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THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL BOARDS) REGULATION, 1957

No. I OF 1957

Promulgated by the President in the Eighth Year of the Republic of India.

A Regulation to provide for the constitution of Municipal Boards in the Andaman and Nicobar Islands, and to define and regulate their powers and functions.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957. Short title, extent and Commencement.
- (2) It extends to the whole of the territory of the Andaman and Nicobar Islands.
- (3) It shall come into force on such date as the Chief Commissioner may, by notification, appoint.

2. In this Regulation, unless there is something repugnant in the subject or context,— Definitions.

(1) "Board" means a municipal board constituted under this Regulation and includes, in any case when a power is expressed as being conferred or a duty as being imposed on a Board, a sub-committee established by a Board and any member, officer or servant of a Board authorised or required by or under this Regulation to exercise the power or perform the duty;

(2) "building" means a house, hut, shed or other roofed structure, for whatsoever purpose and of whatsoever material constructed, and every part thereof, and includes a wall and a well, but does not include a tent or other such portable and merely temporary shelter; and "part of a building" includes any wall, under-ground room or passage, verandah, fixed platform, plinth, staircase or door-steps attached to, or within the compound of, an existing building or constructed on ground which is to be the site or compound of a projected building;

(3) "bye-law" means a bye-law made at a special meeting of a Board in exercise of a power conferred by this Regulation;

(4) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;

(5) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands, and includes any other officer specifically appointed by the Chief Commissioner to perform all or any of the functions of the Deputy Commissioner under this Regulation in relation to a Board;

(6) "district" means the district of the Andaman and Nicobar Islands;

(7) "District Judge" means the District Judge of the Andaman and Nicobar Islands;

(8) "drain" includes a sewer, pipe, ditch, channel or any other device for carrying off sullage, sewage, polluted water, rain-water or sub-soil water together with pail-depots, traps, sinks, cisterns, flush-tanks and other fittings appertaining thereto;

(9) "explosive" has the meaning given to it in clause (1) of section 4 of the Indian Explosives Act, 1884;

4 of 1884.

(10) "infectious or contagious disease" includes cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza and any other epidemic, endemic, or infectious disease which the Chief Commissioner may, by notification, declare to be an infectious or contagious disease for the purposes of this Regulation;

(11) "inhabitant" in relation to a municipal area means any person ordinarily residing or carrying on business, or owning or occupying immovable property therein, and, in case of any dispute, means any person declared by the Deputy Commissioner to be an inhabitant;

(12) "joint committee" means a joint committee appointed under section 18;

(13) "lodging-house" includes a collection of buildings, or a building, or part of a building used for the accommodation of travellers;

(14) "major road" means any surfaced, that is to say metalled, and motorable public street not constructed by or on behalf of a Board out of the municipal fund, which may be declared by the Chief Commissioner to be maintainable by the Public Works Department;

(15) "member" means a member of a Board;

(16) "municipal area" means any area declared under section 3 to be a municipal area;

(17) "notification" means a notification published in the Official Gazette;

(18) "occupier" includes an owner in actual occupation of his own land or building, and any person for the time being paying or liable to pay to the owner of any land or building the rent or any portion of the rent payable in respect thereof; and, in Chapter VII includes a hotel keeper, a lodging house keeper, and any owner whose premises are let to more than one tenant;

(19) "officer" in relation to a Board means a person holding an office created or continued by or under this Regulation, but does not include a member as such;

3 of 1926.

(20) "owner" includes the person for the time being holding the licence, permit or grant under the Andaman and Nicobar Islands (Land-tenure) Regulation, 1926, in respect of any land also the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant;

30 of 1934.

(21) "petroleum" means petroleum as defined in clause (a) of section 2 of the Petroleum Act, 1934;

(22) "public place" means a place in a municipal area not being private property, which is open to the use or enjoyment of the public;

(23) "public street" means any street in a municipal area which—

(i) has, with the consent, express or implied, of the owner of the site thereof, been levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds, or

(ii) under the provisions of this Regulation becomes, or is declared by the Board to be, a public street;

(24) "rule" means a rule made in exercise of a power conferred by this Regulation;

(25) "Senior Medical Officer" means the Senior Medical Officer of the Andaman and Nicobar Islands;

(26) "servant" in relation to a Board means any person in the pay and service of the Board;

(27) "street" means any road, bridge, foot-way, lane, square, alley or passage in a municipal area along which the public or any portion of the public has a right to pass and includes, the drains, or gutters on either side, and the land up to the defined boundary of any abutting property, notwithstanding the projection over such land of any verandah or other superstructure;

(28) "sub-committee" means a sub-committee established under section 17;

(29) "tax" includes a rate, fee or cess levied or imposed by a Board under any of the provisions of this Regulation;

(30) "vehicle" includes a bicycle, tricycle and motor car, and every other wheeled conveyance which is used or is capable of being used on a public street; and

(31) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, cuts, sluices, mains, pipes, culverts, engines, hydrants, stand-pipes, conduits, and all machinery, lands, buildings, bridges, and things for supplying or used for supplying water.

CHAPTER II

MUNICIPAL AREAS

Declaration
of municipal
areas.

3. (1) Subject to the provisions contained in sub-section (2), the Chief Commissioner may, by notification, declare any area within the district, to be a municipal area, and may, by like notification, extend, contract or otherwise alter the limits of any municipal area, or may declare that any such area shall, from a date specified by him, cease to be a municipal area:

Provided that no such notification shall be issued unless,—

(i) a draft of the proposed notification together with a notice specifying the date after which that draft and the objections and suggestions of the persons likely to be affected thereby, will be taken into consideration by the Chief Commissioner, has been previously published and posted at the office of the Deputy Commissioner and one or more conspicuous places within or adjacent to the area concerned; and

(ii) the objections and suggestions of the persons likely to be affected by the proposed notification received in writing within the date so specified, have been taken into consideration by the Chief Commissioner, and have been found by him to be insufficient or invalid.

(2) No notification under sub-section (1) shall be issued in respect of—

(a) any place which has been declared by the Central Government under section 3 of the Cantonments Act, 1924, to be a Cantonment for the purposes of that Act, or

(b) any area not having an average population of five hundred inhabitants to a square mile calculated in accordance with the latest official census.

Effect of
including
other area in
municipal
area.

4. When, by reason of a notification under section 3, the limits of a municipal area are extended to include therein any other area, such other area shall thereby become subject to this Regulation and to all notifications, rules, bye-laws, orders, directions, issued or made thereunder and in force throughout the municipal area, save in so far as the Chief Commissioner may otherwise, by notification, direct.

Effect of
excluding
area from
municipal
area.

5. (1) When, by reason of a notification under section 3, the limits of a municipal area are contracted to exclude therefrom any area forming part thereof, if the area so excluded is immediately placed under the control of some other local authority, such portion

of the municipal fund and property vesting in the Board and such portion of the liabilities of the Board, as the Chief Commissioner may direct, shall be transferred to that other local authority, or, if the area so excluded is not immediately placed under the control of any other local authority such portion of the municipal fund and property vesting in the Board shall vest in the Government, and such portion of the liabilities of the Board shall be transferred to the Government, as the Chief Commissioner may direct.

(2) When, by reason of a notification under section 3, any municipal area ceases to be a municipal area then, if the area comprised therein is immediately placed under the control of some other local authority, the municipal fund and property vesting in the Board shall vest in, and the liabilities of the Board shall be transferred to, such other local authority, or, if the area is not immediately placed under the control of another local authority, such fund and property shall vest in the Government and the liabilities of the Board shall be transferred to the Government.

6. All property vested in the Government under section 5, shall be applied under the orders of the Chief Commissioner in the first place to discharging the liabilities imposed on the Government under that section and in the second place for the promotion of the safety, health, welfare or convenience of the inhabitants of the area which has ceased to be, or, as the case may be, to be the part of a municipal area.

Application of property vested in Government.

CHAPTER III

MUNICIPAL AUTHORITIES, OFFICERS AND SERVANTS

A. Boards

7. In every municipal area, there shall be a Municipal Board and every such Board shall be a body corporate by the name of the Municipal Board of the place by reference to which the municipal area is known, and shall have perpetual succession and a common seal with the power of acquiring, holding and transferring property, movable or immovable, and of contracting, and may, by the said name, sue and be sued.

Constitution of Boards.

8. (1) Every Board shall consist of—

Composition of Boards.

(a) (i) such number of members nominated by the Chief Commissioner, or

(ii) such number of elected members, or

(iii) such number of members nominated by the Chief Commissioner and such number of elected members,

as the Chief Commissioner may, by notification prescribe; and

(b) the Chairman nominated under section 13:

Provided that the total number of members of a Board (including its Chairman) shall not be less than five or more than sixteen:

Provided further that, where a Board is to consist partly of elected and partly of nominated members,—

(i) the members nominated under sub-clause (iii) of clause (a) shall not exceed in number one-fourth of the total

number of members (including the Chairman) as prescribed by the Chief Commissioner;

(ii) only such number of members shall be nominated as is necessary, in the opinion of the Chief Commissioner, to secure the adequate representation of the various interests in the municipal area; and

(iii) any vacancies due to failure to elect the full number of elected members may be filled up by nomination by the Chief Commissioner.

(2) The Chief Commissioner may appoint persons as expert advisers to a Board, and persons so appointed shall have a right to receive notices of meetings thereof and to address such meetings but not to propose resolutions or vote thereat.

(3) Every election and nomination and every vacancy in the membership of a Board shall be notified by the Chief Commissioner.

B. Members

Term of
office of
members.

9. (1) Save as hereinafter provided in this section, the term of office of an elected or nominated member shall be three years, and shall commence from the date of the notification of his election, or nomination, as the case may be, or from such later date, if any, as may be specified in that notification, or when the election or nomination has been notified before the vacancy has occurred from the date on which the vacancy occurs.

(2) The term of office of a member elected upon an election being declared void, or elected or nominated to fill a casual vacancy occurring by reason of death, resignation, removal or otherwise, shall commence from the date of the notification of his election or nomination, as the case may be, or from such later date, if any, as may be specified in that notification, and shall be the period for which the person whose election has been declared void or the member whose place he fills, as the case may be, would, at such date, have been entitled, in the ordinary course of events, to retain office if the election had not been declared void, or the vacancy had not occurred.

(3) A person ceasing to be a member by reason of the expiry of his term of office shall, if otherwise qualified, be eligible for re-election or re-nomination.

Resignation
of members.

10. (1) A member (other than the Chairman or a member nominated *ex officio*) wishing to resign his office, may forward his resignation in writing through the Chairman to the Chief Commissioner.

(2) When the acceptance of the resignation by the Chief Commissioner has been communicated to the Board, the member shall be deemed to have vacated his seat.

Powers of
Chief Com-
missioner
to remove
members.

11. (1) The Chief Commissioner may, by notification, remove any member—

(a) if he has been declared, by notification, to be disqualified for employment in, or has been dismissed from, the public service, for any reason which implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member; or

(b) if he has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board; or

(c) if, in the opinion of the Chief Commissioner, he has flagrantly abused his position as a member; or

(d) if he has voluntarily acquired the citizenship of a State other than India, or is under any acknowledgment of allegiance or adherence to such State; or

(e) if he has, since his election or nomination, incurred any of the disqualifications specified in section 30.

(2) Before issuing any notification under clause (a) of sub-section (1), the Chief Commissioner shall give reasonable opportunity to the member of being heard.

(3) (a) A member removed under clause (b) of sub-section (1), shall be eligible for re-election or re-nomination, if otherwise qualified;

(b) a member removed under clause (c) of sub-section (1) shall not be so eligible until after the expiry of a period of three years from the date of his removal;

(c) a member removed under clause (d) of sub-section (1) shall not be so eligible until he is declared by the Central Government to be no longer ineligible;

(d) a member removed under clause (e) of sub-section (1) shall not be so eligible as long as he continues to remain subject to the disqualification which necessitated his removal;

(e) a member removed under any other provisions of sub-section (1) shall not be so eligible until he is declared by the Chief Commissioner to be no longer ineligible.

12. (1) Vacancies on a Board occurring by reason of the normal expiration of the term of office of elected members shall be filled at ordinary elections. Filling of vacancies on Board.

(2) A vacancy occurring by reason of the death, resignation, removal or voidance of the election of an elected member, shall be filled at a casual election:

Provided that, where the term of office of the vacating member would, in the ordinary course of events, have determined within six months of the occurrence of the vacancy, the Board may direct that the vacancy shall be left unfilled until the next ordinary elections.

(3) In the case of a casual vacancy in the office of a nominated member, the Chief Commissioner may nominate another member in his place.

C. Chairman and Vice-Chairmen

13. As soon as may be after the formation of a Board, the Chief Commissioner shall nominate any salaried servant of Government or of Chairman, Nomination of Chairman.

any other person who is, or is qualified for election as, a member to be the Chairman of the Board:

Provided that the Chief Commissioner may, by notification, direct in the case of such Board as may be specified in the notification, any salaried servant of Government shall be the *ex officio* Chairman.

Election of Vice-Chairman.

14. Every Board shall, at a special meeting, elect one or two of its members to be the Vice-Chairman or Vice-Chairmen, and may by resolution regulate the precedence of the Vice-Chairmen.

Terms of offices of Chairman and Vice-Chairman.

15. (1) The term of office of a Chairman nominated under sub-section (1) of section 13, shall continue during the pleasure of the Chief Commissioner.

(2) The term of office of a Vice-Chairman shall be one year from the date of his election as such or the residue of his term of office as a member, whichever is less.

(3) A Chairman or Vice-Chairman whose term of office has expired shall, if otherwise qualified, be eligible for being re-nominated or re-elected, as such.

Resignation or removal of Chairman or Vice-Chairman.

16. (1) A Chairman, not being a salaried servant of Government nominated under sub-section (1) of section 13, may resign his office, and, on his resignation being accepted by the Chief Commissioner, his office shall be deemed vacant.

(2) A Vice-Chairman may resign his office, and, on his resignation being communicated to the Board, his office shall be deemed vacant.

D. Sub-Committees

Appointment of Sub-Committees.

17. (1) A Board may—

(a) by bye-laws establish such sub-committees as it thinks fit for the purpose of exercising such powers, performing such duties or discharging such functions, as may respectively be delegated to them by the Board under the provisions of this Regulation;

(b) by a resolution appoint such members, with one of them as convener, as it thinks fit, for a period not exceeding one year, to any sub-committee so established; and

(c) by a resolution remove any member or convener appointed under clause (b).

(2) Notwithstanding anything contained in this Regulation, a Board may, by a resolution supported by not less than one-half of the total number of members for the time being holding office, appoint as members of a sub-committee persons, not being members of the Board, who, in the opinion of the Board, possess special qualifications for serving on such sub-committee:

Provided that the number of persons so appointed shall not exceed one-third of the total number of members of the sub-committee.

E. Joint Committees

Joint Committees.

18. A Board may concur with any other Board, or with more than one Board, in appointing, out of their respective bodies, a joint committee, for any purpose in which they are jointly interested, and

in delegating to any such joint committee any power which might be exercised by either or any of the Boards concerned:

Provided that no joint committee shall be appointed in pursuance of such concurrence without the previous approval of the Deputy Commissioner.

F. Officers and servants

19. Every Board shall have a Secretary who shall be a whole-time employee of the Board and shall be appointed by the Chief Commissioner. Secretary of the Board.

20. When a member is appointed as Secretary, he shall receive no remuneration in respect of his services and in the case of any other person appointed as Secretary, the pay, allowances and other conditions of service shall be such as may be determined by the Chief Commissioner. Remuneration payable to Secretary.

21. (1) A Board may, by special resolution, and, if so required by the Chief Commissioner, shall appoint a Health Officer, an Engineer or a Water-works or Electrical Engineer. Appointment of Health Officer and Engineers.

(2) Each such appointment, and the salary and other conditions attaching thereto, shall be subject to the approval of the Chief Commissioner

(3) If a Board, when required by the Chief Commissioner to do so, fails within a reasonable time to appoint any such officer as aforesaid, the Chief Commissioner may appoint him, and any officer so appointed shall be deemed to have been appointed by the Board.

22. (1) A Board may, by special resolution and not otherwise, punish, dismiss or remove its Health Officer, Engineer or Water-works or Electrical Engineer: Punishment and dismissal, etc., of Health Officer and Engineers.

Provided that no such resolution as aforesaid shall be proposed until the officer concerned except when he is to be punished, dismissed or removed on the ground of his conviction on a criminal charge, has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided further that, where the officer concerned is in the service of Government and his services have been wholly or partly lent to the Board, no such resolution as aforesaid in respect of him shall be proposed, except with the previous sanction of the Chief Commissioner or of the head of his parent department, as the case may be.

(2) A resolution punishing, dismissing or removing any of the aforesaid officers shall be communicated to the officer concerned and shall not take effect until the expiration of fifteen days from the date when the communication was served on him, or, in the event of an appeal being filed by him under sub-section (3), until the appeal is decided.

(3) Any of the aforesaid officers may, within fifteen days of the receipt of notice of a resolution of punishment, dismissal or removal, appeal to the Chief Commissioner through the Deputy Commissioner, and the Chief Commissioner shall thereupon either allow, disallow or vary the punishment, dismissal or removal.

(4) On receiving an appeal under sub-section (3), the Chief Commissioner may, if he thinks fit, suspend the officer concerned pending the decision of the appeal.

(5) The Chief Commissioner shall have authority to require, in accordance with the procedure laid down in this section, the dismissal or removal of any of the aforesaid officers in the case of proved incompetency.

Employment
of other
officers and
servants.

23. Subject to the provisions of this Regulation and the rules and bye-laws made thereunder, a Board may, with the previous approval of the Deputy Commissioner, employ such other officers and servants including a contingent of sweepers as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants including sweepers such pay as it thinks fit:

Provided that a Board may, without such approval but subject to the provisions as aforesaid, employ such officers or servants whose monthly emoluments, in any individual case, do not exceed one hundred rupees.

Pensions,
leave allow-
ances and
provident
funds.

24. (1) If an officer or servant of a Board is a person in the service of Government, the Board shall—

(a) if his services are wholly lent to it, contribute to his pension, gratuity and leave allowances in accordance with the rules for the time being governing his conditions of service under Government; and

(b) if he devotes only a part of his time to the performance of duties on behalf of the Board, contribute to his pension, gratuity and leave allowances in such proportion as may be determined by the Chief Commissioner.

(2) In the case of an officer or servant of a Board who is not a Government official, the Board may, subject to such conditions as the Chief Commissioner may by rule prescribe, grant him leave, absentee or acting allowance, and—

(a) if his pay is less than twenty rupees a month grant him a gratuity on retirement; or

(b) establish and maintain a provident or annuity fund and compel him to contribute thereto; or

(c) where such a fund has not been established or where such a fund has been established, but he has been contributing thereto for less than the whole of his service, grant him a pension or gratuity, or purchase or arrange for an annuity for him on his retirement.

(3) With the sanction of the Chief Commissioner, a Board may grant a compassionate gratuity or grant or arrange for the purchase of an annuity to any officer or servant injured otherwise than by reason of his own default in the execution of his duty, or where such injury results in his death, to the widow, children, or other relatives dependent on him.

(4) Where an officer or servant dies in circumstances other than those referred to in sub-section (3), the Board may, with the sanction of the Chief Commissioner, grant a compassionate gratuity to the widow, children or other relatives dependent on him.

(5) A pension, gratuity or annuity shall not exceed the sum to which, under any rule, or general or special order, made by the Central Government, such officer or servant or his family would be entitled if the service had been service under Government.

(6) Nothing in this Regulation shall be deemed to prohibit the establishment of Provident Fund for officers and servants of a Board at such rates and under such conditions as the Board may, by rules to be confirmed by the Chief Commissioner, fix and apportion for such purpose.

25. (1) If a person serving or having served under a Board has been or is transferred from or to the service of Government or is partly employed by the Government and partly by the Board, the Board shall contribute to his pension and leave allowances to such extent as may be required by any rules made by the Government concerned in this behalf.

Pension, etc., in case of service partly under Government and partly under Board.

(2) The Board shall not, save with the consent of the Chief Commissioner, dispense with the services of any person partly employed as aforesaid without giving the Chief Commissioner six months' previous notice.

26. No suit shall be maintainable against any officer or servant of a Board, or any member, or any person acting under the direction of such officer, servant or member in respect of anything in good faith done under this Regulation or any rule or bye-law made thereunder:

Liability of members, officers and servants.

Provided that every such person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board, if such loss, waste or misapplication is a direct consequence of neglect or misconduct in the discharge of his duties under this Regulation; and a suit for compensation for the same may be instituted against him by the Board with the sanction of the Deputy Commissioner, or by the Chief Commissioner.

27. Every member and every municipal officer and servant shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Municipal officers to be public servants.

43 of 1860.

CHAPTER IV

ELECTIONS

A. Municipal wards, electoral rolls, voters and candidates for election

28. (1) Any municipal area may, for the purpose of election to the Board of that area, be divided into such number of municipal wards extending to such limits as the Chief Commissioner may, by notification, determine.

Municipal wards and electoral rolls.

(2) For every municipal ward, there shall be an electoral roll which shall be prepared and published every year under the superintendence, direction and control of the Deputy Commissioner, and

shall contain such particulars in respect of the voters as the Chief Commissioner may, from time to time, direct:

Provided that the Chief Commissioner may, by notification, direct that no new electoral roll for any municipal ward shall be prepared and published in any particular year, and that the electoral roll previously published shall continue to be valid until the new electoral roll is published.

Qualifications
for registra-
tion as voter
and for candi-
dates in elec-
tions.

29. (1) A person shall not be deemed to be a voter of a municipal ward unless he is registered as such in the electoral roll for that ward.

(2) Subject to the provisions of this Regulation and of any other law for the time being in force, every person who—

(a) is a citizen of India,

(b) has attained the age of 21 years on the 1st day of January of the year for which the electoral roll is being prepared, and

(c) has the requisite qualifications in respect of residence or business premises or taxation,

shall be entitled to be registered as a voter in the electoral roll for a municipal ward:

Provided that no person shall be entitled to be so registered if he—

(i) is of unsound mind and stands so declared by a competent court; or

(ii) is for the time being disqualified from voting under the provisions of section 38 or any other law relating to corrupt and illegal practices and other offences in connection with elections:

Provided further that no person shall be entitled to be so registered in the electoral rolls for more than one such ward in a municipal area or more than once in any electoral roll.

(3) For the purpose of sub-section (2), a person shall be deemed to have requisite qualifications—

(a) in respect of residence, if he has ordinarily resided in a dwelling (other than as an inmate or a patient in a prison or hospital) in the municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year for which the electoral roll is being prepared;

(b) in respect of business premises, if he occupied any business premises in the municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year for which the electoral roll is being prepared; and

(c) in respect of taxation, if he owns within the limits of the municipal ward concerned immovable property which is assessed to any municipal tax on the 1st day of April of the year immediately preceding the year for which the electoral roll is being prepared.

(4) Every person who is a voter of a municipal ward within a municipal area and who, for a period of not less than six months commencing from the 1st day of January of the year during which an election is to be held, has been residing in that municipal area, shall, subject to the provisions of this Regulation and any other law for the time being in force, be qualified to be a candidate for election as a member of the Board in that municipal area.

30. (1) A person shall be disqualified for being elected as, and for being, a member—

Disqualifications for membership.

- (a) if he is an undischarged insolvent;
- (b) if he is not eligible for election or nomination under the provisions of section 11 or section 38;
- (c) if he has been convicted by a criminal court of any offence and sentenced to whipping or to imprisonment for a term exceeding six months, unless a period of one year has elapsed since the expiry of the sentence;
- (d) if he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, has any share or interest in a contract for the supply of goods to, or for the execution of any work, or the performance of any services undertaken by, the Board, unless such contract is a contract between a co-operative society and the Board; or
- (e) if he has been dismissed from service under Government for corruption or disloyalty to the State, or from service under any Board for corruption, unless a period of three years has elapsed since his dismissal.

(2) No person who is in the service of Government shall be eligible for being elected as a member.

B. Election petitions

31. (1) The election of any person as a member may be questioned by an election petition on the ground—

Power to question election.

- (a) that such person has committed during or in respect of the election any corrupt or illegal practice as hereinafter defined;
- (b) that such person was declared to be elected by reason of the improper rejection or admission of one or more votes, or that, for any other reason, he was not duly elected by a majority of lawful votes; or
- (c) that such person was disqualified for being elected as a member under any of the provisions of this Regulation.

(2) The election of any person as a member shall not be questioned—

- (a) on the ground that the name of any person qualified to vote has been omitted from, or the name of any person not qualified to vote has been inserted in, the electoral roll or rolls; or
- (b) on the ground of any non-compliance with this Regulation or any rule, or of any mistake in the forms required thereby, or of any error, irregularity or informality on the part of the

Definition
of "corrupt
practice"
and "illegal
practice."

officer or officers charged with carrying out this Regulation or any rule, unless such non-compliance, mistake, error, irregularity or informality has materially affected the result of the election.

32. (1) A person shall be deemed to have committed a corrupt practice who directly or indirectly, by himself or by any other person,—

(i) induces or attempts to induce by fraud, intentional misrepresentation, coercion or threat of injury, any voter to give or to refrain from giving a vote in favour of any candidate;

(ii) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money, or valuable consideration, or any place or employment, or holds out any promise of individual advantage or profit to any person;

(iii) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote;

(iv) abets (within the meaning of the Indian Penal Code) 45 of 1860. the doing of any of the acts specified in clauses (i), (ii) or (iii); or

(v) commits any of the practices specified in sections 123 and 124 of the Representation of the People Act, 1951. 43 of 1951.

(2) A person shall be deemed to have committed an illegal practice who, directly or indirectly, by himself or by any other person, commits any of the practices specified in section 125 of the Representation of the People Act, 1951. 43 of 1951.

Explanation.—A "promise of individual advantage or profit to any person" includes a promise for the benefit of the person himself, or of any one in whom he is interested, but does not include a promise to vote for or against any particular municipal measure.

Form and
presentation
of election
petition.

33. (1) An election petition or any application relating to the hearing of an election petition shall be presented to the District Judge within seven days from the date on which the result of the election was notified and shall specify the ground or grounds on which the election is questioned, and shall contain a summary of the circumstances alleged to justify the election being questioned on such grounds.

(2) The petition may be presented by any candidate in whose favour votes have been recorded and who claims in the petition to be declared elected in place of the person whose election is questioned, or by ten or more voters of the municipal area.

(3) The person whose election is questioned and, where the petitioner claims that any other candidate shall be declared elected in place of such person, every unsuccessful candidate who has polled more votes than such other candidate, shall be made a respondent to the petition.

34. Any respondent may give evidence to prove that any person in respect of whom a claim is made that such person be declared elected in his place or in priority to him, should not be declared so elected, in the same manner as if he had presented a petition against the election of such person. Recriminal-
tory proceed-
ings in elec-
tion dispute.

5 of 1908. 35. (1) Save as otherwise provided by this Regulation or by any rule made thereunder, the procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall, in so far as it may be applicable, be followed in the hearing of election petitions by the District Judge. Procedure
for hearing
of election
petitions.

Provided that—

(a) two or more persons whose election is called in question, may be made respondents to the same petition and their cases may be tried at the same time, and any two or more election petitions may be heard together; but so far as is consistent with such joint trial or hearing, the petition shall be deemed to be a separate petition against each respondent;

(b) the District Judge shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case;

(c) the District Judge may, at any stage of the proceedings, require the petitioner to give security or further security for the payment of all costs incurred or likely to be incurred by any respondent; and

(d) the District Judge, for the purpose of deciding any issue, shall only be bound to require the production of or to receive so much evidence, oral or documentary, as he may consider necessary.

(2) An order for the payment of costs, or an order for the realization of a security bond for costs passed by the District Judge, shall be executed in the same manner as if the amount to be recovered was an arrear of land revenue.

36. (1) If the District Judge, after making such inquiry as he thinks necessary, finds, in respect of any person whose election is called in question by a petition, that his election was valid, the petition shall be dismissed against such person with costs. Finding of
District
Judge.

(2) If the District Judge finds that the election of any person was invalid, he shall either—

(a) declare a casual vacancy to have arisen, or

(b) declare another candidate to have been duly elected, whichever course appears, in the particular circumstances of the case, to be more appropriate; and in either case the District Judge may award costs in his discretion.

(3) In the event of the District Judge declaring a casual vacancy to have arisen, he shall direct the Board to take proceedings for filling the vacancy.

Avoidance of election.

37. (1) Notwithstanding anything contained in section 36, if the District Judge, in the course of hearing an election petition, is of the opinion that the evidence discloses that corrupt or illegal practices at the election proceedings in question, have prevailed to such an extent as to render it advisable to set aside the whole of election proceedings, he shall pass a conditional order to this effect, and give notice thereof to every candidate declared elected who has not already been made a party in the case, calling upon such candidate to show cause why such conditional order should not be made final.

(2) Thereupon every such candidate may appear and show cause, and may have re-called for the purpose of putting questions to him, any witness who has appeared in the case.

(3) The District Judge shall thereafter either cancel the conditional order or make it absolute in which case he shall direct the Board to take measures for holding fresh election proceedings.

Disqualification for corrupt or illegal practice.

38. The District Judge may declare any candidate found to have committed any corrupt or illegal practice to be ineligible for being a member, or for being appointed or retained in any office or place in the gift or at the disposal of the Board, or for being registered as a voter, for such period not exceeding five years as the District Judge may determine.

C. Election rules

Conduct of elections and kindred matters.

39. The Chief Commissioner may, by notification, make rules consistent with this Regulation for the purpose of regulating all or any of the following matters, namely:—

- (a) the preparation and revision of electoral rolls, and the adjudication of claims to be registered as voters and objections to registration;
- (b) the nomination of candidates;
- (c) the dates, time, and manner of holding elections, general or casual;
- (d) the number of representatives proper for each ward and reservation of seats (if any) for women;
- (e) any other matter relating to elections or election petitions in respect of which this Regulation makes no provision or insufficient provision; and
- (f) any other matter necessary for securing the due constitution of Boards.

CHAPTER V

DUTIES AND POWERS OF MUNICIPAL AUTHORITIES

A. Duties and powers of Boards

Duties of Boards.

40. Subject to such exceptions and conditions as the Chief Commissioner may, from time to time, make and impose, it shall be the duty of every Board to make reasonable provision within the municipal area for—

- (a) lighting public streets and public places;

- (b) watering public streets and public places;
- (c) cleansing public streets, public places and drains, removing noxious vegetation and abating all public nuisances;
- (d) house-scavenging and making arrangement for conservancy in dwelling places;
- (e) disposing of night-soil and rubbish;
- (f) regulating offensive, dangerous and obnoxious trades, callings or practices;
- (g) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets or public places;
- (h) securing or removing dangerous buildings or places;
- (i) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (j) constructing, altering, and maintaining public streets other than major roads, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage-works, and sewerage-works, subject to the direction and general control of the Public Works Department;
- (k) planting and maintaining trees on road-sides and other public places;
- (l) providing a sufficient supply of pure and wholesome water used for human consumption and preventing pollution of such water;
- (m) registering births and deaths;
- (n) establishing and maintaining a system of public vaccination;
- (o) rendering assistance in extinguishing fires and protecting life and property when fires occur;
- (p) taking such measures as may be required to prevent the out-break of, or to suppress and prevent the recurrence of, infectious and contagious diseases;
- (q) maintaining and developing the value of property vested in, or entrusted to, the management of the Board;
- (r) preparing such returns, statements and reports as the Chief Commissioner may require the Board to submit; and
- (s) fulfilling any obligation imposed upon it by law.

41. (1) The Chief Commissioner may, with the consent of a Board, direct that the Board shall make provision for any of the following matters within the municipal area, subject to any exceptions and conditions that may be laid down by the Chief Commissioner, namely:—

Discretionary
functions of
Boards.

(a) laying out, in areas whether previously built or not, new public streets and acquiring land for that purpose and for the construction of buildings to abut on such streets;

(b) constructing, establishing or maintaining public parks, gardens, libraries, museums, halls, offices, *Dharmashalas*, rest-houses, encamping grounds, poor-houses, dairies, baths, bathing

ghats, washing places, drinking fountains, tanks, wells, dams and other works of public utility;

- (c) reclaiming unhealthy localities;
- (d) furthering educational objects;
- (e) taking of census and registration of vital statistics;
- (f) supporting public hospitals and dispensaries;
- (g) making arrangements for the confinement of destruction of stray dogs;

(h) securing, or assisting the securing of, suitable places for the carrying on of any dangerous or offensive trade or manufacture;

(i) establishing and managing pounds and performing such functions and of the State Government and the Magistrate of the district as may be transferred to the Board under section 31 of the Cattle-trespass Act, 1871; 1 of 1871

(j) holding fairs and exhibitions, and arranging entertainments, functions and public receptions, with the previous approval of the Deputy Commissioner; and

(k) adopting any measure, other than a measure specified in section 40 or in this sub-section likely to promote the public safety, health or convenience.

(2) A Board may, with the previous approval of the Chief Commissioner, make provisions for the extension beyond the limits of the municipal area of the benefits of any municipal undertaking.

(3) A Board may also make provision within or beyond the limits of the municipal area for the doing of anything whereon expenditure is declared by the Chief Commissioner or by the Board with the sanction of the Chief Commissioner, to be an appropriate charge on the municipal fund.

Delegation of
powers of
Board.

42. (1) A Board may, subject to the provisions of section 54, by bye-law, empower a sub-committee or the Chairman, or a Vice-Chairman, or any member, to exercise and perform, subject to such conditions, restrictions and limitations as may be imposed by the Board, all or any of the powers and duties conferred or imposed on the Board by any of the provisions of this Regulation.

(2) The bye-law made under sub-section (1) may provide that any orders passed in the exercise of the powers or performance of the duties so delegated shall, within such time as may be therein prescribed, be subject to appeal to, or revision by, the Board.

B. Duties of Chairman and Vice-Chairmen

Duties of
Chairman

43. It shall be the duty of the Chairman of a Board—

(a) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to control in accordance with the bye-laws made in this behalf, the transaction of business thereat;

(b) to watch over the financial, and superintend the executive administration of the Board and to bring to the notice of the Board any defect therein coming to his knowledge; and

(c) to perform such other duties as are required of or may be imposed upon him by or under this Regulation.

44. (1) It shall be the duty of the senior Vice-Chairman present—

*Duties of
Vice-Chair-
man.*

(a) to perform, during the temporary absence of the Chairman or during a vacancy in the office of Chairman, the duties of the Chairman described in section 43; and

(b) to perform such other duties as are required of or may be imposed upon him by or under this Regulation.

(2) A Vice-Chairman performing the duties of the Chairman in the circumstances stated in clause (a) of sub-section (1), shall have all the powers conferred on the Chairman by or under this Regulation.

C. Emergency powers

45. (1) In cases of emergency, the Chairman of a Board may direct the execution of any work or the doing of any act which the Board is empowered to execute or do; and the immediate execution or doing of which is, in his opinion, necessary for the preservation of the valuable property or for the safety of the public, and may also direct that the expense of executing such work or doing such act shall be paid from the municipal fund:

*Extraordi-
nary power s
of Chair-
man in cases
of emer-
gency.*

Provided that every direction given under this section shall be reported to the Board at its next following meeting.

(2) The Chairman shall not act under this section in contravention of any express order of the Board.

(3) The Chairman may prohibit, until the matter has been considered by the Board, the doing of any act which is, in his opinion, undesirable in the public interest, provided that the act is one which the Board has power to prohibit.

(4) No direction given under this section shall be questioned in any court on the ground that the case was not one of emergency.

CHAPTER VI

TRANSACTION OF MUNICIPAL BUSINESS

A. Meetings

46. (1) Every Board shall meet for the transaction of business at least once in every month at such time as may be fixed by the bye-laws.

*Ordinary
and special
meetings.*

(2) The Chairman may, whenever he thinks fit, and shall, on a requisition made in writing in this behalf by not less than one-fifth of the members, convene an ordinary or a special meeting at any other time.

(3) Every meeting of a Board shall be either ordinary or special.

(4) Any business of the Board may be transacted at an ordinary meeting unless required by this Regulation or the rules made thereunder to be transacted at a special meeting.

Quorum

47. (1) The quorum necessary for the transaction of business at a special meeting of a Board shall be one-half of the number of members actually serving for the time being, but shall not be less than three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a Board shall be one-third of the number of members serving for the time being, but shall not be less than three:

Provided that, if at any ordinary or special meeting a quorum is not present, the Chairman shall adjourn the meeting to such other day as he may think fit, and that the business which would have been brought before the original meeting if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting whether there be a quorum present thereat or not.

Chairman of meeting.

48. (1) At every meeting of a Board, the Chairman, if present, shall preside.

(2) If the Chairman is not present, his place shall be taken by the Vice-Chairman and if there be two Vice-Chairmen then by the Senior Vice-Chairman and if he too is absent, by the Junior Vice-Chairman.

(3) If there be no Chairman or Vice-Chairman present, such one of the members as the members present may elect, shall preside as Chairman.

Vote of majority decisive.

49. Save as otherwise provided by this Regulation or any rule, all questions which come up at any meeting of a Board, shall be decided by a majority of the votes of the members present, the Chairman of the meeting, in case of an equality of votes, having a second or casting vote.

Adjournments.

50. Any meeting of a Board may, with the consent of a majority of the members present thereat, be adjourned to some other time, and the business left undisposed of at such meeting, shall be carried over with priority to the adjourned meeting.

Cancellation of resolutions.

51. No resolution of a Board shall be modified or cancelled within six months after the passing thereof—

(a) unless previous notice has been given to the members setting forth fully the resolution it is proposed to modify or cancel and the motion or proposition for its modification or cancellation; and

(b) otherwise than by a resolution supported by not less than one-half of the total number of members serving at the time.

Record and publication of proceedings.

52. (1) Minutes of the proceedings at each meeting of a Board shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the Chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Chief Commissioner may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant of the municipal area.

(2) A copy of every resolution passed at any meeting of a Board shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner.

53. A Board may make bye-laws consistent with this Regulation and with the rules made thereunder to provide for all or any of the following matters, namely:—

Bye-laws for conduct of business.

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the conduct of proceedings at meetings and the adjournment of meetings;
- (d) the custody of the common seal and the purposes for which it shall be used;
- (e) the procedure of sub-committees appointed under section 17, the filling of casual vacancies therein, the number necessary to form a quorum at meeting thereof, and other matters relating to such committees;
- (f) the person by whom receipts may be granted on behalf of the Board for money received under this Regulation;
- (g) the appointment, duties, executive powers, leave, suspension and removal of its officers and servants; and
- (h) all other similar matters.

B. Contracts and conveyances

54. (1) A Board may, subject to the provisions of this Regulation, delegate to one or more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed two hundred rupees or into any class of such contracts.

Authority to contract.

(2) No contract by or on behalf of a Board whereof the value or amount exceeds two hundred rupees, shall be entered into until it has been sanctioned at a meeting of the Board.

55. (1) Every contract made by or on behalf of a Board whereof the value or amount exceeds one hundred rupees, shall be in writing and shall be signed by two members, of whom the Chairman or a Vice-Chairman shall be one, and countersigned by the Secretary:

Mode of executing contracts and transfer of property.

Provided that, when the power of entering into any contract on behalf of the Board has been delegated under section 54, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) Every transfer of immovable property belonging to a Board other than a lease for a term not exceeding one year, shall be made by an instrument in writing, executed by the Chairman or a Vice-Chairman and by at least two members of the Board whose execution thereof shall be attested by the Secretary.

(3) No contract or transfer executed otherwise than in conformity with the provisions of this section shall be binding on a Board.

C. Municipal budget

56. (1) Every Board shall have prepared and laid before it, at a meeting to be held in every year before such date as is fixed by rule in this behalf, a complete account of the actual and expected

Budget.

receipts and expenditure for the year ending on the thirty-first day of March next following such date, together with a budget estimate of the income and expenditure of the Board for the year commencing on the first day of April next following.

(2) The Board shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and, by special resolution, sanction a budget which shall be submitted to the Chief Commissioner through the Deputy Commissioner for information.

(3) The Board may vary or alter from time to time as circumstances may render desirable, by special resolution, the budget sanctioned under sub-section (2).

Revised
budget.

57. As soon as may be after the first day of October, a revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions applicable to a budget made under section 56.

Special
provisions
as to budget.

58. (1) In framing a budget, the Board shall provide for the maintenance of such minimum closing balance (if any) as the Chief Commissioner may, by order in writing, prescribe.

(2) Notwithstanding anything contained in this Regulation, the Chief Commissioner may, by order in writing, direct that the budget of a Board shall be subject to the sanction of the Deputy Commissioner or, where the Deputy Commissioner is the *ex officio* Chairman of the Board, of the Chief Commissioner, and that the power to vary or alter the budget under sub-section (3) of section 56, shall be subject to such conditions as may be imposed in the order.

Expenditure
not to
exceed
budget
allotment.

59. (1) Where a budget has been passed, the Board shall not incur any expenditure under any of the heads of the budget, other than a head providing for the refund of taxes, in excess of the amount passed under that head, without making provision for such excess by the variation or alteration of the budget.

(2) Where any expenditure under any head providing for the refund of taxes is incurred in excess of the amount passed under that head, provision shall be made without delay for such expenditure by the variation or alteration of the budget.

CHAPTER VII

MUNICIPAL FINANCE, PROPERTY AND TAXATION

A. Municipal finance

Municipal
fund.

60. (1) There shall be formed for each Board a fund to be called the municipal fund, and there shall be placed to the credit thereof—

(a) the proceeds of all taxes, fines (other than the fines imposed by a court), penalties and fees levied under this Regulation;

(b) all sums received by, or on behalf of, the Board under this Regulation;

(c) all sums transferred or carried to the credit of the Board under any of the provisions of this Regulation or any other law for the time being in force;

(d) all rents and profits accruing from property vested in the Board or managed by it; and

(e) all sums assigned to the fund by the Chief Commissioner or by any other authority, and all sums contributed thereto by any committee, authority or private person.

(2) The municipal fund shall vest in the Board, and the balance at its credit shall be kept in the Government Treasury:

Provided that any portion of such balance may, with the previous sanction of the Chief Commissioner, be kept in the Post Office Savings Bank, or be invested in such Government securities as may be approved by the Chief Commissioner:

Provided further that such sum, not exceeding an amount specified in this behalf by the Chief Commissioner, as is required for day to day expenses of a Board, may be kept by the Board at the Municipal Office in safe custody.

61. The Central Government may, by notification, declare that all fines and any other sums recovered from persons convicted of offences committed within the municipal area against this Regulation or any rule or bye-law made thereunder, or against any other law for the time being in force, shall be carried to the credit of the Board of that area. Certain sums may be carried to credit of Board.

62. (1) The municipal fund shall be charged with the payment of expenses on— Application of municipal fund.

(i) fulfilment of any liability or obligation arising from trusts legally imposed upon, or accepted by, the Board;

(ii) the municipal establishment including such subscriptions and contributions as are payable by the Board under this Regulation and the rules made thereunder;

(iii) auditing the accounts of the Board; and

(iv) such other matters as may be specified by the Chief Commissioner, from time to time.

(2) Subject to the charges specified in sub-section (1) and to such rules as may be made by the Chief Commissioner with respect to the priority to be given to the several duties of the Board, the municipal fund shall be applicable to the payment of expenses incurred for the purpose of any object or duty which is to be or may be undertaken by the Board in accordance with the provisions of this Regulation.

63. (1) Subject to the provisions of this Regulation, or any rule or bye-law made thereunder, every Board shall keep and maintain a detailed account of its receipts and expenditure. Accounts and audit.

(2) The account of receipts and expenditure kept and maintained by a Board, shall be examined and audited in such manner as the Chief Commissioner may, from time to time, direct.

B. Municipal property

Property
vested in
Board.

64. (1) Subject to any special reservation made, or to any special conditions imposed, by the Chief Commissioner, all property of the nature hereinafter in this section specified and situated within, or, where expressly so provided, beyond any municipal area, shall vest in and be under the control of the Board, and shall be held and applied by it for the purposes of this Regulation, that is to say:—

(a) all public markets, slaughter-houses and other buildings of every description (whether within or beyond the municipal area) which have been constructed or are maintained out of the municipal fund;

(b) all public streams, tanks, wells, springs and works (whether within or beyond the municipal area) for the supply, storage or distribution of water for public purposes within the municipal area, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside, or under any street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind or dead bodies of animals, collected by the Board from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the Board under this Regulation;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all land or other property, within or beyond the municipal area, transferred to the Board by the Central Government or acquired by gift, purchase, or otherwise for local public purposes; and

(g) all public streets [other than major roads] not being open spaces or lands owned by Government, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(2) Where any immovable property is transferred otherwise than by sale by the Central Government to a Board for public purposes, it shall be deemed to be a condition of such transfer, unless specially provided to the contrary, that should the property be at any time resumed by or under the authority of the Central Government, the compensation payable therefor shall, notwithstanding anything to the contrary in any law for the time being in force, in no case exceed the amount, if any, paid to the Central Government for the transfer, together with the cost or the present value, whichever is less, of any buildings erected or other works executed on the land by the Board.

65. (1) The management, control and administration of every public institution maintained out of a municipal fund shall vest in the Board. Management of public institutions.

(2) When any public institution has been placed under the direction, management and control of a Board, all property, endowments and funds belonging thereto shall be held by the Board in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institutor was so placed:

Provided that the extent of the independent authority of the Board in respect of any such institution may be defined by the Chief Commissioner:

6 of 1890. Provided further that nothing in this section shall be held to prevent the vesting of any trust-property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890.

66. When any land, whether within or without the limits of a municipal area, is required for the purposes of this Regulation, the Chief Commissioner may, at the request of the Board, take suitable steps under the provisions of any law for the time being in force, to make such land available to the Board, and, on payment by the Board of all such charges as may be determined by the Chief Commissioner, the land shall vest in the Board. Acquisition of land.

Explanation.—When any land is required for a new street or for the improvement of an existing street, the Board may request for, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Regulation.

67. (1) A Board may, subject to rules made in this behalf by the Chief Commissioner, transfer by sale, mortgage, lease, gift, exchange or otherwise any property vested in it, not being property held by it on any trust the terms of which are inconsistent with the right so to transfer. Transfer of property vesting in Board.

(2) Notwithstanding anything contained in sub-section (1), a Board may, with the sanction of the Chief Commissioner, transfer to Government any property vesting in the Board under section 64 or section 65 but not so as to affect any trust or public rights subject to which the property is held.

9 of 1914. 68. Nothing in this Regulation shall affect the provisions of the Local Authorities Loans Act, 1914. Saving of Act 9 of 1914.

C. Municipal taxation

69. For the purposes of this Regulation, "annual value" means— Definition of "annual value."
(a) in the case of land, the gross annual rent at which it may reasonably be expected to let from year to year:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part exempted or remitted, the Chief Commissioner may direct that the annual

value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not, or, when the land-revenue has been wholly or in part exempted or remitted, double the amount which, but for such exemption or remission, would have been leviable;

(b) in the case of any house or building, the gross annual rent at which such house or building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, may reasonably be expected to let from year to year subject to the following deductions, namely:—

(i) such deduction not exceeding twenty per centum of the gross annual rent as the Board may consider a reasonable allowance on account of the furniture let with the house or building;

(ii) a deduction of ten per centum of the balance of the gross annual rent after allowing the deduction (if any) under sub-clause (i), for cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent;

(iii) where land is let with a building, such deduction, not exceeding twenty per centum of the gross annual rent, as the Board may consider reasonable on account of the actual expenditure (if any), annually incurred by the owner on the upkeep of the land in a state to command such gross annual rent;

(c) in the case of any house or building the gross annual rent of which cannot be determined under clause (b), five per centum of the sum obtained by adding the estimated present cost of erecting the building, less such amount as the Board may deem reasonable to be deducted on account of depreciation (if any), to the estimated market value of the site and any land appertaining to the house or building:

Provided that—

(i) in the calculation of the annual value of any premises, no account shall be taken of any machinery thereon; and

(ii) where, in the opinion of the Board, the annual value of any building would, by reason of exceptional circumstances, be excessive, if calculated in accordance with the foregoing provisions of this section, the Board may fix the annual value at such less amount as appears to it equitable.

Explanation I.—For the purposes of clause (b), it is immaterial whether the house or building, and the furniture and the land let for use or enjoyment therewith, are let by the same contract or by different contracts and, if by different contracts, whether such contracts are made simultaneously or at different times.

Explanation II.—The expression “gross annual rent” does not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

70. (1) Subject to such general or special orders as the Chief Commissioner may make, a Board may, in the manner provided by this Regulation, impose any of the following taxes in the whole or any part of the municipal area, namely:—

Taxes which may be imposed.

(a) a tax on buildings or lands or both, payable by the owner, not exceeding—

(i) ten per centum of the annual value, or

(ii) one anna per square yard of the ground area per annum, or

(iii) rupees three per running foot of frontage in streets and bazars per annum,

(b) a tax on persons practising any profession or art, or carrying on any trade or calling within the municipal area:

Provided that the total amount of such tax payable by any one person, shall not exceed two hundred and fifty rupees per annum,

(c) a tax, payable by the owner, on all or any class of vehicles, all or any class of animals, or dogs, when the vehicles, animals or dogs, as the case may be, are kept within the municipal area,

(d) a tax of the nature of a toll on vehicles and animals used for riding, driving, draught or burden and entering the municipal area:

Provided that—

(i) no tax shall be levied in respect of any vehicle or animal for which a tax is paid under clause (c),

(ii) any owner of such vehicle or animal may compound for the tax by paying the corresponding tax under clause (c) if such tax is in force in the municipal area,

(e) an octroi or a terminal tax on animals or dogs or goods brought into or sent out of the municipal area:

Provided that no tax under this clause shall be imposed except with the previous sanction of the Chief Commissioner to the proposals for the imposition thereof,

(f) a tax to meet the cost of constructing or maintaining works for the supply of water to the municipal area, payable by the occupier or, if there be no occupier, by the owner, on the annual value of such buildings or lands as are so situated that their occupiers can benefit by the works:

Provided that the rate of tax payable by any such occupier or owner, as the case may be, shall be determined having regard, among other considerations, to the distance of the buildings or

lands from the nearest point at which the water can be delivered from the works to their level:

Provided further that no such tax shall be leviable in respect of buildings or lands which are assessed to the general water-rate or the special water-rate as hereinafter provided,

(g) a general water-rate payable by the inhabitants of the municipal area, or a special water-rate for water supplied by the Board under section 92 which may be assessed in any form including that of charges for such supply:

Provided that no such rate shall exceed the limit or limits prescribed by the Chief Commissioner, from time to time,

(h) a lighting rate not exceeding three per centum of the annual value of holdings:

Provided that such rate shall not be levied in an area where lighting arrangements have not been made,

(i) a general conservancy rate or a rate for house scavenging on such scales, terms and conditions as may be approved by the Chief Commissioner from time to time,

(j) any other tax which may be authorised by the Chief Commissioner.

(2) Notwithstanding anything contained in this Regulation or any other law for the time being in force, the property belonging to Government shall be exempt from all taxes mentioned in clauses (a), (c), (d), (e), (f) and (h) of sub-section (1).

(3) Notwithstanding anything contained in this Regulation, all taxes, rates, fees or cesses which were being lawfully levied before the commencement of this Regulation, shall, until some other provision is made under this Regulation, continue to be levied and collected in the same manner in which they were being levied and collected before such commencement.

Procedure in
imposing
taxes.

71. (1) Every Board shall, before imposing any tax, observe the procedure prescribed in this section.

(2) The Board shall, by a resolution passed at a special meeting, frame proposals specifying the following particulars, namely:—

(a) the nature of the tax having regard to the provisions of section 70;

(b) the persons or class of persons on whom, and the description of property or other taxable thing or the circumstances in respect of which, the tax is proposed to be levied;

(c) the amount or scale of the tax;

(d) the rules regulating the levy of the tax; and

(e) any other matter which the Chief Commissioner may, by general or special order, require to be so specified.

(3) The Board shall publish the proposals in such manner as may be prescribed by the Chief Commissioner and shall also publish a notice inviting the objections and suggestions in writing of the persons likely to be affected by such proposals, within a period of not less than one month of the date of such publication.

(4) After the expiry of the period referred to in sub-section (3), the Board shall, at a special meeting, take into consideration the objections and suggestions of the aforesaid persons received (if any) and shall then either confirm its resolution referred to in sub-section (2) with or without modification, amendment, addition or alterations, or abandon such resolution.

(5) When a resolution has been confirmed by the Board under sub-section (4), it shall be presented to the Chief Commissioner who may—

(i) give his approval to the resolution; or

(ii) refuse to give his approval to the resolution; or

(iii) return the resolution to the Board for reconsideration in the light of such suggestions as may be made by him.

(6) If the Chief Commissioner gives his approval to a resolution, he shall notify the resolution together with any rules which he may make under section 196 in respect of the tax and shall also specify a date, not earlier than three months from the date of such notification, from which the tax shall come into force and be levied:

Provided that a tax leviable by the year shall not come into force except on the first day of January, April, July or October in any year; and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing.

(7) When the Chief Commissioner refuses to give his approval to a resolution, it shall be returned to the Board.

(8) When the Chief Commissioner returns a resolution to the Board for reconsideration, the Board may either abandon such resolution or may, after reconsideration, amend, alter or vary such resolution; and the resolution so amended, altered or varied shall be presented to the Chief Commissioner and be disposed of by him in the manner provided in sub-section (5).

(9) The procedure prescribed in this section shall apply to any proposal to increase or decrease the amount of, or to extend or curtail the scope or effect of, any tax.

(10) A notification under sub-section (6) in respect of a tax shall be conclusive evidence that such tax has been imposed in accordance with the provisions of this Regulation.

72. Notwithstanding anything contained in this Regulation, if at any time it appears to the Chief Commissioner, on a complaint made, that any tax imposed under this Regulation, is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interest of the general public, he may require the Board to take, Power of Chief Commissioner to suspend taxes.

within a specified period, measures to remove the objection indicated by him; and, if within that period, the requirement is not complied with to the satisfaction of the Chief Commissioner, he may, by notification, suspend the levy of such tax, or of such part thereof, as the case may be, until the objection has been removed.

Prepara-
tion and
publication
of assess-
ment list.

73. (1) Every Board shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared, containing—

(a) the name of the street or *muhalla* in which the property is situated;

(b) a description of the property sufficient for the identification thereof;

(c) the names of the owner and occupier, if known;

(d) the annual value and the particulars on which the annual value is based; and

(e) the amount of the tax assessed thereon by the Board.

(2) Every objection to a valuation or assessment shall be in give public notice thereof, and of the place where the list of a copy thereof may be inspected; and every person claiming to be either the owner or the occupier of the property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Disposal of
objections.

74. (1) The Board shall, at the time of the publication of the assessment list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any immovable property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or the occupier of the property.

(2) Every objection to a valuation or assessment shall be in writing setting forth the grounds on which the valuation or assessment is disputed, and shall be left at the office of the Board before the time fixed in the notice.

(3) The Board, or such sub-committee or officer of the Board or of Government as it may by special resolution appoint in this behalf, shall consider every objection duly made and shall, after giving the objector an opportunity of being heard in support thereof either in person or by duly authorised agent, dispose it of and make such consequential amendment (if any) as is necessary in the assessment list.

Authenti-
cation
of list.

75. (1) When the Board, or the sub-committee or the officer appointed in that behalf under sub-section (3) of section 74, has disposed of the objections and made the necessary amendments in the assessment list in the manner prescribed in that sub-section, the Chairman, or the members of the sub-committee or the officer as aforesaid, as the case may be, shall authenticate it and at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed

shall be deemed to be the tax for the year commencing on the first day of April next ensuing and, in the case of a tax imposed for the first time, for the period between the date on which the tax comes into force and such first day of April.

(2) The list when so authenticated shall be deposited in the office of the Board, and shall there be open during office hours to all owners or occupiers of the property included therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

76. (1) The Board may, after giving notice to any person affected by the amendment, of a time, not less than one month from the date of service, at which the amendment is to be made, at any time amend the list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Board or of the assessee, or, where in the case of a tax payable by the occupier, a change in the tenancy has taken place, by altering the name of the occupier.

Further amendments of assessment list and annual revision.

(2) Any person interested in any such amendment, may tender an objection to the Board in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person, or by authorised agent, as he may think fit.

(3) It shall be in the discretion of the Board to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may, in particular cases, be deemed necessary, as the valuation and assessment for the year following, giving to persons affected by such alterations the same notice of the valuation and assessment as if a new assessment list had been prepared.

77. (1) Whenever the title to or over any building or land of any person primarily liable for the payment of property taxes on such property is transferred, the transfer shall, within three months of the registration of the deed of transfer if it is registered, or if it is not registered, within three months of its execution, or if no instrument is executed, within three months of the actual transfer, give notice in writing of such transfer to the Board.

Notice to be given to Board of all transfers of title of persons primarily liable to payment of property tax.

(2) Every person primarily liable for the payment of a tax on any immovable property who transfers his title to or over such property without giving notice of such transfer to the Board as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of all such taxes from time to time payable in respect of the said property until he gives such notice, or until the transfer shall have been recorded in the Board's books.

(3) Nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the Board for the recovery of the taxes due on any immovable property.

Remission
of tax on
unoccupied
immovable
property.

78. (1) When any property assessed to a tax under clause (a), (g) or (i) of sub-section (1) of section 70, which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the Board shall remit the amount of the tax or of the instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Board within the first month after the expiry of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

(a) has not been occupied or productive of rent for any period of not less than ninety consecutive days, or

(b) consists of separate tenements, one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the Board may remit such portion (if any) of the tax or instalment as it may think equitable, but the portion so remitted shall not in any case falling only under clause (a) exceed one half of the tax or the instalment, as the case may be.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section, neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling-house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section, a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Recovery of
property
taxes payable
by owner.

79. (1) When any sum is due on account of a tax payable under this Regulation in respect of any immovable property by the owner thereof, the Board shall cause a bill for the amount, stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same.

(2) If the bill is not paid within ten days from the delivery thereof, the Board may cause a notice of demand to be served on the person liable to pay the same and, if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear shall, subject to any claim on behalf of Government, be a first charge on the property in respect of which it is payable, and shall, besides being recoverable in any other manner provided by this Regulation, be recoverable, on application made in this behalf by the Board to the Collector, as if the

property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

(4) If any tax or sum leviable under this Regulation from the owner is recovered from the occupier, such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

80. (1) Every person bringing or receiving within the octroi or terminal tax limits of a municipal area any article on which octroi or terminal tax is payable shall, when required by an officer duly authorised by the Board in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine article liable to octroi or terminal tax and to search.

(a) permit that officer to inspect, examine, weigh or otherwise deal with the article; and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(2) If any person bringing or receiving within the octroi or terminal tax limits of a municipal area a conveyance or packing on which octroi or terminal tax is or is believed to be leviable, refuses, on the demand of an officer authorised by the Board in this behalf, to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi or terminal tax is payable, or refuses to communicate to that officer any information, or to exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article, or, with the intention of defrauding the Board, communicates any such information which is false or exhibits any such bill, invoice or document of a like nature which is false, forged or fraudulent, he shall be punishable with fine which may extend to fifty rupees.

(3) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken without unnecessary delay before a member or the Secretary or a Magistrate, who shall cause the inspection to be made in his presence.

81. If goods passing the octroi or terminal tax boundary of a municipal area are liable to the payment of octroi or terminal tax, then every person who, with intention to defraud the Board, introduces or attempts to introduce within the said octroi or terminal tax boundary, any such goods upon which payment of the octroi or terminal tax due on such introduction has neither been made nor tendered, or causes or abets such introduction, shall be punishable with fine which may extend either to ten times the value of such octroi or terminal tax, or to fifty rupees, whichever amount is greater.

Penalty for evasion of octroi or terminal tax.

82. (1) In the case of non-payment of any octroi or terminal tax, on demand, the officer empowered to collect the same may seize any article on which the octroi or terminal tax is chargeable, or any part of its burden of sufficient value to satisfy the demand.

Summary recovery of octroi or terminal tax.¹

(2) The Board, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale, may cause any property so seized, or so much thereof as may be necessary, to be sold by public auction to satisfy the demand and the expenses occasioned by the seizure, custody and sale thereof, unless the demand and the expenses are in the meantime paid:

Provided that, by order of the Chairman or a Vice-Chairman, articles of perishable nature which cannot be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Appeals
against
taxation.

83. (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Regulation shall lie to the Deputy Commissioner or to such other officer as may be empowered by the Chief Commissioner in this behalf.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of, assessment of a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Commissioner.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in section 113 of the Code of Civil Procedure, 1908 and Order XLVI in the First Schedule to that Code.

5 of 1908.

(4) In every appeal, the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to a Board shall be recoverable by the Board as if they were arrears of a tax due from the appellant.

Limitations. (6) If a Board fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having custody of the balance of the municipal fund to pay the amount.

84. No appeal shall be entertained under section 83, unless the appellant has paid all other municipal taxes due from him to the Board upto the date of such appeal, and unless it has been preferred,—

(a) where it refers to a tax on any land or building, within one month of the publication of the notice prescribed by section 75 or sub-section (3) of section 76, or of the date of the final order under section 76, as the case may be; or

(b) where it refers to any other tax, within one month of the date on which a demand was made therefor:

Provided that an appeal may be entertained after the expiry of the period referred to in clause (a) or clause (b), as the case may be, if the appellant satisfies the officer before whom the appeal is

preferred that he had sufficient cause for not presenting the appeal within that period.

85. No assessment and no charge of demand of any tax made under this Regulation, shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Tax not invalid for defect of form.

86. (1) A Board may exempt, in whole or in part, for any period not exceeding one year, from the payment of any tax, any person who by reason of poverty is, in its opinion, unable to pay the same, and may renew such exemption as often as may be necessary.

Remissions and exemptions.

(2) A Board, by a resolution passed at a special meeting, may—

(a) provide that any person or all persons may be allowed to compound for any tax imposed under clause (e) of sub-section (1) of section 70; or

(b) subject to the control of the Chief Commissioner,—

(i) abolish, suspend or reduce in amount any tax imposed under section 70; or

(ii) for special reasons exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

(3) The Chief Commissioner may, by order in writing, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

87. (1) Every person shall, on the demand of an officer duly authorised by the Board in this behalf, furnish such information as may be necessary in order to ascertain whether such person is liable to pay any municipal tax; and every hotel or lodging-house keeper or secretary of a residential club shall also, on demand made as aforesaid, furnish a list of all persons residing in such hotel, lodging-house or club.

Duty of furnishing true information regarding liability to municipal taxation.

(2) If any person so called upon to furnish such information omits to do so or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

88. Subject to the provisions of sub-section (6) of section 71 and of sub-section (1) of section 75, any tax imposed under this Chapter and payable periodically shall be payable on such dates and in such instalments (if any) as the Board may direct.

Taxes when payable.

89. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Regulation.

Taxation not to be questioned except under this Regulation.

90. No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Regulation and the rules.

Refunds.

CHAPTER VIII

PUBLIC HEALTH AND SAFETY

A. Water supply

Provision of
water.

91. (1) In a municipal area in which a general water-rate is levied under clause (g) of sub-section (1) of section 70, the Board shall, and in any other case a Board may, provide a supply of drinking water within the municipal area, and shall cause such tanks, reservoirs, engines, pipes, taps and other works as may be necessary for the said purpose, to be constructed and maintained, whether within or without the municipal area and shall erect sufficient stand-pipes or other conveniences for the gratuitous supply of water to the public.

(2) The Board shall, as far as possible, make adequate provision to ensure that such supply is continuous throughout the year, and that the water is at all times pure and fit for human consumption.

Supply of
water.

92. (1) A Board may, on application by the owner or occupier of any building, arrange for supplying water from the nearest main to the same for domestic purposes, in such quantities as it thinks reasonable, and may, if it considers necessary, limit the amount of water to be so supplied.

Explanation.—A supply of water for domestic purposes shall not be deemed to include a supply—

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;

(b) for any trade, manufacture or business;

(c) for fountains, swimming baths, or for any ornamental or mechanical purpose;

(d) for gardens or for purposes of irrigation;

(e) for watering roads or paths; or

(f) for building purpose.

(2) A Board may supply water for any purpose other than a domestic purpose on receiving an application specifying the purpose for which the supply is required and the quantity likely to be consumed:

Provided that the Board may withdraw such supply at any time if it should appear necessary to do so in order to maintain a sufficient supply of water for domestic purposes.

(3) For all water supplied under this section, payment shall be made to the Board at such special rate or rates as may be prescribed under clause (g) of sub-section (1) of section 70.

Making
connection
with municip-
al water
works.

93. Where water is to be supplied under section 92, all necessary communication-pipes and fittings shall be supplied by the Board and the work of laying and applying such communication-pipes and fittings shall be executed by the municipal agency under the orders of the Board:

Provided that the cost of making any such connection and of all communication-pipes and fittings so supplied and of all works so

executed shall be paid by the owner or the person making the application for water supply:

Provided further that the Board may, if it thinks fit, provide a meter and charge rent for the same, or may require the owner or applicant to provide a meter of such size, material and description as it may approve.

94. (1) Any owner or occupier of any building or land, in or on which water supplied under this Regulation is misused from negligence or other circumstances under his control, or is used without permission in excess of the quantity, fixed under section 93, or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water, shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the Board may appoint in this behalf.

Obligation of owner or occupier and power of Board to cut off supply.

(2) If any person whose premises are supplied with water neglects to pay the water-rate or any sum payable in respect of the water-supply under this Regulation, or to give notice as provided in sub-section (1), or wilfully or negligently misuses or causes waste of water, the Board may, after giving him such notice as it deems reasonable in the circumstances, cut off the supply of water from his premises.

B. Protection from fire

95. A Board may equip itself with such implements, appliances and other materials as it may think necessary for rendering assistance in extinguishing fires and protecting life and property when fires occur.

Equipment for rendering assistance in extinguishing fires.

96. (1) On the occasion of a fire in a municipal area, any Magistrate, the Secretary or any member of the Board, or any member of a fire-brigade then and there directing the operations of men belonging to the brigade, or any police-officer directed by a Magistrate, may—

Power of certain persons for suppression of fire.

(a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which any fire is burning;

(c) for the purpose of extinguishing the fire, break into or through or pull down any premises, or cause any premises to be broken into or through or to be pulled down or used for the passage of hoses or other appliances;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and

(f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) When any Government building is endangered by fire, the officer of the Public Works Department for the time being in charge of the building may exercise the powers conferred on a Magistrate by sub-section (1).

(3) No person shall be liable to pay damages for any act done by him in good faith under this section.

(4) Any damage done in the exercise of a power conferred or a duty imposed by this section, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

(5) The powers conferred by this section shall be subject to any conditions or restrictions which may be imposed by the Chief Commissioner.

C. Drains and privies

Powers of Board in respect of drains, privies, etc.

97. (1) A Board may, by notice, require the owner of any building or land in the municipal area—

(a) to provide, move or remove any drain privy, latrine, urinal, cesspool or other receptacle for filth or refuse, or provide any additional drains, privies, latrines, urinals, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land, in such manner and of such pattern as the Board may direct;

(b) to have any privy, latrine or urinal provided with some shut out, by a sufficient roof, wall or fence, from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Board may direct, any door or trap-door of a privy, latrine or urinal opening on to any street or drain; or

(c) to close, demolish, repair, alter or put in good order any drain, privy, latrine, urinal, cesspool or receptacle for any filth or refuse.

(2) A Board may, by notice, require any person who constructs in the municipal area any new drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse without its permission in writing or contrary to its directions or to the provisions of this Regulation or of any bye-law, or who constructs, rebuilds or opens any drain, privy, latrine, urinal, cesspool, or receptacle for filth or refuse which it has ordered to be demolished or closed or not to be made, to demolish the drain, privy, latrine, urinal, cesspool or receptacle, or to make such alteration therein as it thinks fit.

(3) A Board may, by notice, require any person who, without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, water-course or water-pipe vested in the Board, to pull down or otherwise deal with the same as it may think fit.

Removal of latrines, etc., near any source of water supply.

98. (1) A Board may, by notice, require the owner or occupier of any land on which any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(2) Whoever, without the permission of the Board, fails to comply with the requirement of the notice referred to in sub-section (1), shall be punishable with fine which may extend to twenty rupees, and with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for compliance therewith.

99. Whoever, without the permission of the Board,—

(a) causes or knowingly or negligently allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees;

(b) makes or causes to be made, or alters or causes to be altered, any drain leading into any sewer or drain vested in the Board, shall be punishable with fine which may extend to fifty rupees.

Improperly discharging sewage and making or altering drains without authority.

D. Laying and connecting pipes, sewers and the like

100. A Board may lay or carry any main, pipe, drain, sewer or channel of any kind for the purpose of carrying out, establishing or maintaining any system of water supply, drainage or sewerage, through, across, under or over any road or street or any place laid out or intended as a road or street, or after giving not less than fourteen days notice in writing to the owner or occupier, into, through, across, under or over any land or building situated within the municipal area, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such main, pipe, drain, sewer or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used:

Power to lay or carry mains, pipes, drains or sewers for water supply, etc.

Provided that no nuisance or interference with the rights of the owner or occupier to the enjoyment of such land or building, shall be created by any such operation to any larger extent than what is absolutely necessary for the proper execution of the work:

Provided further that no such operation into, through, across, under or over any major road or Government building or land, shall be carried out except with the permission in writing of the Public Works Department:

Provided also that reasonable compensation shall be paid to the owner or occupier for any damage at the time sustained by him on account of, or directly occasioned by, the carrying out of any such operation.

101. (1) No person shall, without the permission of the Board at any time make, or cause to be made, any connection or communication with any main, pipe, drain, sewer or channel constructed or maintained by or vested in a Board, for any purpose whatsoever.

Connections with mains, etc.

(2) A Board may prescribe the size of the ferrules to be used for the supply of water and may establish meters or other appliances for the purpose of testing the quantity or quality of any water supplied to the premises of any person or to or for the use of any person or business.

(3) The ferrules, communication-pipes, connections, meters, standpipes and all fittings thereon or connected therewith, leading from mains, pipes, drains, sewers or channels into any building or land and the pipes, fittings and works inside any such building or within the limits of any such land, shall in all cases be executed subject to the inspection by and to the satisfaction of the Board.

(4) A Board may fix the fees to be charged for the establishment by it or through its agency of communications from, and connections with, mains or pipes for the supply of water, and may levy such fees.

E. Disposal of surface water

Troughs
and pipes for
rain water.

102. (1) The Board may, by notice, require the owner of any building or land to put up and keep in good condition proper troughs and pipes for receiving and carrying the water including the rain water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

(2) For the purpose of efficiently draining any building or land in the municipal area, a Board may, by notice in writing,—

(a) require any court-yard, alley or passage between two or more buildings to be paved with such materials and in such manner as may be approved by it; and

(b) require such paving to be kept in proper repair.

F. Bathing and washing places

Bathing and
washing
places.

103. (1) A Board may set apart suitable places in the municipal area for the purposes of bathing and may specify the times at which and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants of the municipal area; and may, by public notice, prohibit the bathing or washing of animals or clothes in any public place not so set apart, or at times or by persons other than those specified and any other act by which water in public places may be rendered foul or unfit for use and may charge fees for the use of such places by any specified class or classes of persons or by the public generally.

(2) A Board may fix, by notice, places at which articles of clothing, bedding or other articles which have been exposed to infection shall be washed, and no person shall wash any such article at any place in the municipal area not so fixed.

G. Scavenging

Removal and
deposit of
offensive
matter.

104. A Board may fix places within, or, with the approval of the Deputy Commissioner, beyond the limits of, the municipal area for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may, by public notice, give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

105. Whoever, being the owner or occupier of any building or land in a municipal area, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle or pit, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle or pit to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

failure to
remove
offensive
matter.

45 of 1860

106. Whoever commits or permits any servant or member of his household or any person under his control to whom the provisions of section 82, section 83 or section 84 of the Indian Penal Code are applicable to commit, a nuisance upon any street or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Penalty for
nuisance.

H. House-Scavenging

107. For the purpose of this Regulation, "house-scavenging" means the removal of filth, rubbish, ordure or other offensive matter from a privy, latrine, urinal, cesspool or other common receptacle for such matter in, or pertaining to, a building including its appurtenances.

Definition of
"house-
scavenging".

108. (1) It shall be the duty of every Board to make such arrangements, and to maintain a system of such servants, for house-scavenging, as it may deem fit.

Undertaking
of house-
scavenging
by Board.

(2) The Board shall charge such rate or rates for house-scavenging as may be prescribed under clause (i) of sub-section (1) of section 70.

(3) Any servant of a Board who is employed in house-scavenging may, at all reasonable times, do all things necessary for the proper performance of any house-scavenging undertaken by the Board.

(4) All matter removed by the servants of a Board in the course of house-scavenging shall belong to the Board.

109. (1) Whenever any animal in the charge of any person in a municipal area dies otherwise than by slaughter, the person in charge thereof shall within twenty-four hours, either—

Disposal of
dead
animals.

(a) convey the carcass to a place (if any) fixed by the Board under section 104 for the disposal of the dead bodies of animals, or, if no such place has been fixed, to some suitable place at least one mile beyond the limits of the municipal area; or

(b) give notice of the death to the Board, whereupon the Board shall cause the carcass to be disposed of.

(2) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1), the Board may charge such fee as it may, by public notice, prescribe in this behalf.

(3) For the purposes of this section "animal" means and includes all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

(4) Any person who fails to comply with the provisions of sub-section (1), shall be punishable with fine which may extend to ten rupees.

I. Slaughter places

Places for slaughter of animals for sale.

110. A Board may, with the approval of the Deputy Commissioner, appoint premises for the slaughter of animals for sale or of any specified description of such animals, and may, with the like approval grant licences for the use of such premises, or, if they belong to the Board charge rent or fees for the use of the same.

Animals to be slaughtered for sale at authorised places only.

111. (1) Where a Board has appointed any premises under section 110, no person shall slaughter any animals for sale at any other place within the municipal area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with fine which may extend to twenty rupees.

J. Food

Control of sale of food

112. A Board may regulate by bye-laws, the keeping of any place in the municipal area as a hotel, restaurant, lodging-house, tea-stall, bakery, confectionery or aerated water factory, or as a market or shop for the sale of fruit, vegetables, sweetmeats, milk, animals' meat, fish, eggs, fowls or anything intended for human food, and such bye-laws may prohibit the keeping of any place for any such purpose save under and in accordance with the conditions of a licence granted in that behalf by the Board.

Penalty for feeding animals on deleterious substance.

113. Whoever, feeds or allows to be fed on any deleterious substance, filth or refuse of any kind any animal which is kept, or is intended to be used, for the supply of milk or food to the inhabitants of a municipal area, shall be punishable with fine which may extend to fifty rupees.

K. Dangerous diseases

Information to be given of infectious or contagious diseases.

114. Whoever,—

(a) being the owner or occupier of any dwelling other than a public hospital in a municipal area, and being cognizant of the existence of any infectious or contagious disease therein, or

(b) being the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling, and being cognizant of the existence of such disease therein,

fails to give information to such officer as the Board may prescribe in this behalf, or gives false information respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person such as is referred to in clause (b) shall not be punishable if he had reasonable cause to believe that the information had been, or would be, duly given by a person such as is referred to in clause (a).

115. (1) If a Board is of opinion that the cleansing or disinfecting of a building in the municipal area or any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, or is otherwise necessary, it may, after giving a notice to the owner or occupier, cause the same to be cleansed or disinfected in such manner as it may deem fit.

Disinfection of buildings and articles.

(2) Whoever knowingly lets a house or other building in a municipal area or part of such a house or building, in which any person has been suffering from an infectious or contagious disease without having such house or building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the Board, shall be punishable with fine which may extend to two hundred rupees.

116. In any municipal area, the Board may—

Provision of places and appliances for disinfection.

(a) provide proper places with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it; or

(c) direct any clothing, bedding or other articles likely to retain infection to be destroyed:

Provided that the Board shall give compensation for any article destroyed under this section.

117. Whoever, while suffering from an infectious, contagious or loathsome disease or disorder,—

Penalty for acts done by persons suffering from certain disorders.

(a) makes or offers for sale any article of food or drink for human consumption or any medicine or drug, or

(b) wilfully touches any such article, medicine or drug when exposed for sale by others, or

(c) takes any part in the business of washing or carrying soiled clothes,

shall be punishable with fine which may extend to twenty rupees.

118. If a Board, on the report of the Senior Medical Officer or Health Officer, considers that the water in any well, tank or other place in the municipal area is likely, if used for drinking, to generate or cause the spread of any dangerous disease, it may—

Prohibition by Board of use of unwholesome water.

(a) by public notice prohibit the removal or use of such water for drinking;

(b) by notice require the owner or person having control of such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water; or

(c) take such steps as it may, on the advice of the Senior Medical Officer or Health Officer, consider expedient to prevent the generation or spread of any such disease.

L. Burial and Burning-Places

Appointment
of places as
burial or
burning-
grounds.

119. (1) A Board shall, with the previous approval of the Senior Medical Officer, by public notice, appoint places which shall be used as burial or burning-grounds, and shall also define the limits of such places.

(2) No burial or burning-ground, whether public or private, shall be made or formed in a municipal area or within one mile thereof without the permission in writing of the Board.

(3) No person shall, without the permission of the Board, bury or burn, or cause or permit to be buried or burnt, any corpse at any place in a municipal area except a place appointed by the Board as a burial or burning-ground.

(4) Whoever contravenes the provisions of sub-section (2) or sub-section (3), shall be punishable with fine which may extend to fifty rupees.

Control over
removal of
corpses.

120. (1) A Board may, by public notice, prescribe routes for the removal of corpses to burial or burning-grounds.

(2) Whoever carries a corpse along a route prohibited by the Board, or in a manner likely to cause annoyance to public, shall be punishable with fine which may extend to ten rupees.

M. Dangerous or insanitary buildings and places

Powers to
require build-
ings, wells,
tanks, etc., to
be secured.

121. If any building, tank, reservoir, pool, depression or excavation in a municipal area, is, for want of sufficient repair, protection or enclosure, dangerous to the persons dwelling or working therein or in the neighbourhood thereof or to persons passing by, the Board may, by notice, require the owner or occupier thereof to repair, protect or enclose the same, and, if the requirement of such notice is not complied with, the Board shall forthwith take, at the expense of the owner, any steps which it thinks necessary for the purpose of averting imminent danger.

Power to
order remo-
val or repair
of buildings,
etc., in dan-
gerous state.

122. If in any municipal area any building, wall or structure or any thing affixed thereto, or any bank or tree, is deemed by the Board to be in a ruinous state or in any way dangerous, the Board may, by notice, require the owner thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure or bank as the Board may consider necessary for the public safety, and, if the requirement of such notice is not complied with, the Board shall forthwith take, at the expense of the owner, any steps which it thinks necessary for the purpose of averting imminent danger.

Power to
order clean-
sing of filthy
buildings or
land.

123. If the owner or occupier of any building or land in a municipal area suffers the same to be in a filthy or unwholesome state, the Board may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state, and, if it appears to the Board to be necessary for sanitary purposes to do so, it may at any time, by notice, direct the occupier of any building in the municipal area to lime-wash or otherwise cleanse that building inside or outside in such manner and within such period as may be specified in the notice.

124. A Board may, by notice, require the owner or occupier of any land in the municipal area to clear away and remove therefrom any thick vegetation or undergrowth which may appear to the Board to be injurious to health or offensive to persons residing in the neighbourhood.

Power to require owner to clear away noxious vegetation.

125. A Board may, by notice, require the owner or occupier of any land in the municipal area to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to require hedges and trees to be trimmed.

126. If the Senior Medical Officer certifies that the cultivation of any description of crop or the use of any kind of manures or the irrigation of land in any specified manner—

Prohibition of cultivation, use of manure or irrigation in injurious to health.

(a) in any place within the limits of the municipal area, is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood, or

(b) in any place within or beyond the limits of the municipal area, is likely to contaminate the water-supply of the municipal area or otherwise renders it unfit for drinking purposes,

the Board may, with the approval of the Chief Commissioner, by public notice, prohibit the cultivation of such crop, the use of such manure, or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent such injury or contamination:

Provided that, when on any land to which such notice applies the act prohibited has been practised during the five years immediately preceding the notice in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such notice.

N. Dangerous or offensive trades

127. (1) No place within a municipal area shall be used—

Regulation of offensive and dangerous trades.

(a) for melting tallow or fat;

(b) for boiling or drying bones, offal or blood;

(c) as a soap-house, oil-boiling-house, tannery, or barber's shop;

(d) as a brick-field, brick-kiln, pottery or lime kiln;

(e) as any other manufactory, engine-house or place of business from which offensive or unwholesome smell, noises, fumes or smoke arise;

(f) as a yard or depot for trade in hay, straw, thatching-grass, dry leaves, wood, charcoal or coal, or other dangerously inflammable material; or

(g) as a store-house for any explosive, or for petroleum or any inflammable oil or spirit;

except under a licence granted by the Board which shall be renewable annually.

(2) The licence shall not be withheld unless the Board considers that the business which is intended to be established or maintained would be the cause of annoyance, offence or danger to persons residing in, or frequenting, the immediate neighbourhood, or that for general reasons the establishment of such business in the locality is undesirable.

(3) The Board may charge fees according to a scale to be fixed by bye-laws for such licences, and may impose such conditions in respect thereof as it may think necessary.

(4) Whoever, without a licence or in contravention of the condition of any such licence, uses any place for any such purpose as is specified in this section, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with a further fine which may extend to ten rupees for every subsequent day during which the offence is continued.

Penalty for
negligence
in quarrying,
blasting,
cutting timber
or
building.

128. Whoever in a municipal area quarries, blasts, cuts timber or carries on building operations in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

O. Fairs

Provision of
police protection
at
fairs, etc.

129. The Chief Commissioner may provide special police protection on the occasion of any fair, agricultural show or industrial exhibition managed by a Board, or for the purpose of guarding houses in a municipal area evacuated on account of plague, and the Board shall pay such charges in respect of such protection as the Chief Commissioner may determine in this behalf.

Powers to
levy fees at
fairs.

130. A Board may levy fees, not exceeding such amount as the Chief Commissioner may fix in this behalf, by notification, on persons attending a fair on which the Board incurs expenditure and on persons exposing goods for sale or plying any occupation for gain.

P. Brothels

Powers over
disorderly
houses and
prostitutes

131. (1) A Board may, by notice, prohibit in any specified part of the municipal area—

(a) the keeping of a brothel; or

(b) the residence of a public prostitute.

(2) Whoever fails to comply with a notice issued under sub-section (1), shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to one hundred rupees, and, in the case of a continuing failure, with a further fine which may extend to ten rupees for every subsequent day during which the failure continues.

132. On the complaint of the Board or of three or more inhabitants of a municipal area that a house in the municipal area is used as a brothel, or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, or that any such house is used as a brothel in the neighbourhood of any educational institution, boarding-house or place of worship, any Magistrate of the first class having jurisdiction in the place where the house is situated, may summon the owner or tenant of the house, and, on being satisfied that the house is so used and that it is a source of annoyance or offence to the neighbours, or that it is in the neighbourhood of any educational institution, boarding-house or place of worship, may order the owner or tenant to discontinue such use of it; and if such owner or tenant fails to comply with such order within five days, the Magistrate may impose upon him a fine which may extend to fifty rupees for every day thereafter during which the house has been so used.

Power to close down brothels.

Q. Animals

133. (1) A Board may—

(a) authorise any person—

Disposal of mad and stray dogs and other animals.

(i) to destroy or cause to be destroyed or to confine or cause to be confined, for such period as the Board may direct, any dog or other animal found in the municipal area suffering, or reasonably suspected to be suffering, from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid;

(ii) to confine, or cause to be confined, any dogs found wandering about streets of public places without collars or other marks distinguishing them as private property;

(b) charge a fee for any dog confined under sub-clause (ii) of clause (a) and destroy or otherwise dispose of any such dog if the dog is not claimed and the fee not paid within one week;

(c) by public notice, issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the street or beyond the enclosures of the houses of the owners of such dogs may be destroyed, and destroy or cause them to be destroyed accordingly.

(2) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

134. Whoever, in a municipal area, keeps any swine in disregard of any orders which the Board may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing offence with a further fine which may extend to five rupees for every subsequent day during which the offence is continued.

Penalty for keeping animal so as to be injurious to health.

R. Other nuisances

Penalty for
beating
drums, etc.

135. Whoever, in contravention of any general or special prohibition issued by a Board, without the permission of the Board, beats a drum or tomtom, blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, shall be punishable with fine which may extend to twenty-five rupees.

Explanation.—In the case of an offence under this section committed by a band, each individual member of such band shall be so punishable.

Penalty for
discharging
fire arms,
etc.

136. Whoever, in a municipal area, discharges fire arms or lets off fireworks, fireballoons or detonators, or engages in any game, in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling in the neighbourhood or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Prohibition
of collecting
inflammable
materials,
etc.

137. A Board may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit the stacking or collecting of timber, wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of a fire in any place, or within any limits in the municipal area which may be specified in the notice:

Provided that no such notice shall be issued except with the previous approval of the Deputy Commissioner.

CHAPTER IX

STREETS

A. General

Power over
streets.

138. A Board may, with the previous approval of the Chief Commissioner,—

(a) close temporarily any public street or any part thereof for any public purpose;

(b) divert, discontinue or close permanently any public street other than a major road; or

(c) sell its interest in the land forming a public street other than a major road or any part thereof, if not required for the purposes of this Regulation.

Power of
permitting
temporary
occupation
of streets, etc.

139. A Board may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission:

Provided that, in the case of a major road, no such permission shall be granted except with the previous approval of the Public Works Department

B. Encroachments and obstructions

140. (1) Whoever, without the written permission of the Board, builds or erects any immovable encroachment upon the ground level of any street or on any sewer, drain or water-course in a municipal area, or builds or makes any immovable overhanging structure projecting into a street at a point above the said ground level, shall be punishable with fine which may extend to fifty rupees.

Penalty for altering, obstructing or encroaching upon streets.

(2) The Board may, by notice, require the owner or occupier of any building to remove or alter such immovable encroachment or overhanging structure as aforesaid, and no compensation shall be claimable in respect of such removal or alteration

141. (1) Whoever, in a municipal area, without the written permission of the Board,—

Removal of projections and obstructions in streets.

(a) places in front of any building any movable encroachment upon the ground level of any street or over or on any sewer, drain or water-course, or erects any movable overhanging structure projecting into the street at a point above the said ground level, or

(b) takes up or alters the pavement or other materials or the fences or posts of any street, or

(c) deposits building materials, goods for sale or other article of merchandise on any street, or

(d) makes any hole or excavation in or under any street, or removes materials from beneath any street so as to cause risk of subsidence,

shall be punishable with fine which may extend to fifty rupees

(2) The Board or the Secretary of the Board may—

(i) summarily remove, or cause to be removed by the police, any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise, and

(ii) take action summarily to restore the street to the condition it was in before any such alteration, excavation or damage,

and the expense of such restoration shall be recoverable from the offender.

Explanation—For the purposes of this section ‘movable encroachment’ includes a seat or settle, and ‘movable overhanging structure’ includes an awning of any material

142. In cases to which the provisions of section 140 or section 141 do not apply, the Board may, subject to the payment of reasonable compensation, by notice, require the owner or occupier of any building in the municipal area to remove or alter any balcony, projection, structure or verandah overhanging any street or projecting into or encroaching on any street, or any drain sewer or aqueduct therein

Removal of projections and obstructions on payment of compensation.

Power to regulate line of buildings in streets.

143. (1) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the Board may, whenever such building or part has been either entirely or in greater part taken down or burnt down or has fallen down, by notice, require such building or part when being re-built to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the Board:

Provided that the Board shall make full compensation to the owner for any damage which he may sustain in consequence of his building or any part thereof being set back.

(2) The Board may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

(3) The provisions of this section shall apply to the rounding off of dangerous or inconvenient street corners.

C. Miscellaneous provisions as to streets

Power to attach brackets for lamps on houses.

144. A Board may attach to the outside of any building in the municipal area, brackets for lamps in such manner as not to occasion any injury to such building or other inconvenience.

Penalty for destroying direction-posts, lamp-posts, etc.

145. Whoever, without being authorised by the Board, defaces or disturbs any municipal direction-post, lamp-post or lamp, or extinguishes any municipal light in any public place, shall be punishable with fine which may extend to ten rupees.

Penalty for bill-sticking without permission.

146. Whoever, without the consent of the owner or occupier or other person for the time being in-charge, affixes any posting bill, notice, placard or other paper or means of advertisement against or upon any building, wall, tree, board, fence or pale in a municipal area, or writes upon, soils, defaces or marks any such building, wall, tree, board, fence or pale with chalk or paint or in any other way whatsoever, shall be punishable with fine which may extend to twenty rupees.

Names to streets and numbers to buildings.

147. (1) A Board may cause a name to be given to any street, and a name-plate to be affixed on any building therein in such place as it may think fit, and may also cause numbers to be affixed to buildings in the municipal area.

(2) Whoever destroys, pulls down or defaces any name-plate or number affixed to any street or building under this section, or puts up any different name or number from that put up by order of the Board, shall be punishable with fine which may extend to twenty rupees.

D. Street nuisances

148. Whoever, without the permission of the Board, pickets animals or collects carts on any street or uses any street as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray therein, shall be punishable with fine which may extend to twenty rupees.

Penalty for picketing animals and collecting carts.

149. Whoever, between such hours as may be prescribed by bye-laws, drives or propels in any street any vehicle which is not properly supplied with lights, shall be punishable with fine which may extend to twenty rupees.

Penalty for driving vehicles without proper lights

150. (1) Whoever, in a street—

Penalty for certain offences.

(a) exposes goods for sale so as to cause obstruction,

(b) negligently lets loose any animal or suffers any ferocious dog to be at large without a muzzle or sets on or urges any dog or any animal to attack, worry or put in a fear any person or cattle,

(c) begs importunately for alms or exposes or exhibits, with the object of exciting charity or of extorting alms, any sores, wounds, bodily ailment or deformity,

(d) wilfully and indecently exposes his person or commits a nuisance by easing himself or omits to prevent any child under his care or custody from committing such nuisance, or

(e) is found drunk and incapable of taking care of himself or behaving in any riotous, disorderly or indecent manner,

shall be punishable with fine which may extend to fifty rupees.

(2) Whoever cruelly beats, ill-treats, tortures, or drives, rides or otherwise uses any animal in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten, ill-treated, tortured, or to be driven, ridden or used when unfit to be driven, ridden or used, shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to one hundred rupees, or with both.

(3) Provisions of this section shall be in addition to and not in derogation of any other law for the time being in force.

CHAPTER X*BUILDINGS*

151. For the purpose of this Chapter, a person is said to erect or re-erect a building who makes any material alteration or enlargement of a building or any part thereof.

Definition.

Explanation.—An alteration in a building shall be deemed to be material, if it—

(a) affects or is likely to affect prejudicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene, or

(b) increases or diminishes the height or cubical capacity of, or the area covered by, the building or reduces the cubical capacity of any room in the building below the minimum prescribed in any bye-law, or

(c) converts into a place for human habitation a building or part of a building originally constructed for other purposes, or

(d) involves the addition of any rooms, out-houses or other structures to any building, or

(e) involves the construction, in a wall adjoining any land not belonging to the owner of the wall, of a door opening on to such land, or

(f) is an alteration of any kind which has been declared by any bye-law to be a material alteration.

Prohibition
of building
without
sanction.

152. (1) No person shall erect or re-erect, or commence to erect or re-erect, any building in a municipal area without the sanction of the Board.

(2) Every person who intends to erect or re-erect any building, shall give notice in writing to the Board of such intention.

(3) The Board may, by bye-laws,—

(a) prescribe the manner in which notice of the intention to erect or re-erect a building shall be given to the Board; and

(b) require that with every such notice there shall be furnished a site plan of the land on which it is intended to erect or re-erect such building, and a plan and specification of the building, of such character and with such details as the bye-laws may require in respect of all or any of the following matters, namely:—

(i) the free passage or way to be left in front of the building;

(ii) the space to be left about the building to secure free circulation of air and to facilitate scavenging and for the prevention of fire;

(iii) ventilation, and the provision and position of drains, privies, latrines, urinals or cesspools;

(iv) the level and width of the foundation, the level of the lowest floor, and the stability of the structure; and

(v) the line of frontage with neighbouring buildings, if the building abuts on a street.

(4) Where bye-laws have been framed under this section, no notice under sub-section (2) shall be valid until the information (if any) required by such bye-laws has been furnished to the satisfaction of the Board.

153. A Board may, by bye-laws, regulate in respect of the erection or re-erection of any buildings within the municipal area or any part thereof—

Power to make bye-laws as to mode of construction of buildings.

(a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;

(b) the materials and method of construction and position of fire-places, chimneys, drains, latrines, privies, urinals and cesspools;

(c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire;

(e) the line of frontage where the building abuts on a street;

(f) the number and height of the storeys of which the building may consist; and

(g) the means to be provided for egress from the building in case of fire.

154. In any case in which no bye-laws have been made under sub-section (3) of section 152 the Board may, within fourteen days of the receipt of the notice referred to in sub-section (2) of that section, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which bye-laws might have been made, and in such case the notice shall not be valid until such information has been furnished.

Special provision for cases where bye-laws have not been made.

155. A Board may, by resolution dispense with the observance of any or all of the bye-laws made under sub-section (3) of section 152 in regard to the erection or re-erection of any building specified in the resolution:

Dispensation from bye-laws.

Provided that no such resolution shall be proposed except with the previous sanction of the Chief Commissioner.

156. Within one month after the receipt of the notice required by sub-section (2) of section 152 the Board may refuse to sanction the building or may sanction it either absolutely or subject to such modifications as it thinks fit in respect of all or any of the matters specified in sub-section (3) of that section, and the person erecting or re-erecting any such building shall comply with the sanction of the Board as granted in every particular:

Powers to refuse sanction to build.

Provided that, if the Board neglects or omits, for two months after the receipt of a valid notice, to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

Explanation.—The Board may refuse to sanction the erection or re-erection of any building either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Chief Commissioner restricting the erection or re-erection of buildings or any class of buildings within specified limits for the prevention of overcrowding, or in the interest of the residents within such limits, or for any other public purpose, and sanction may also be refused in any case in which there is any dispute between the Board and the applicant as to the title of the land on which it is proposed to erect the building until such dispute is decided.

Lapse of
sanction to
build.

157. Every sanction for the erection or re-erection of a building which is given, or is deemed to have been given, by a Board shall remain in force for one year only from the date of such sanction and, if the erection or re-erection of the building is not commenced within the said period of one year, the sanction shall be deemed to have lapsed:

Provided that such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Regulation.

Penalty for
building
without
sanction.

158. If the erection or re-erection of a building is begun or continued—

(a) without sanction as required by sub-section (1) of section 152, or

(b) without notice as required by sub-section (2) of section 152, or

(c) after sanction has been refused, or

(d) in contravention of the terms of any sanction granted, or

(e) after the sanction has lapsed, or

(f) in contravention of any bye-law made under section 153, the Board may, by notice, to be delivered within a reasonable time, require the building to be altered or demolished, as it thinks necessary, within the space of thirty days from the date of the service of such notice:

Provided that no such notice shall issue in respect of the contravention of any bye-law the observance of which has been dispensed with under section 155:

Provided further that the Board may, instead of requiring the alteration or demolition of any such building, accept by way of compensation such sum as it thinks reasonable.

Compensa-
tion for
damage in
respect of
erections or
re-erections.

159. (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of a refusal to sanction the erection of any building.

(2) The Board shall make full compensation to the owner for any damage which he may sustain in consequence of a refusal to sanction the re-erection of any building:

Provided that the Board shall not be liable to make any compensation in respect of a refusal to sanction the re-erection of a building which, for a period of three years or more immediately preceding such refusal, has not been in existence or has been unfit for human habitation.

CHAPTER XI

GENERAL PROVISIONS

A. Power of entry and inspection

160. Any person authorised by the Board in this behalf may—

Power of entry for purposes of valuation or taxation.

(a) after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building or land in a municipal area, at any time between sunrise and sunset, enter, inspect and measure the building or land for the purpose of valuation; and

(b) enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation or for which a licence has not been duly taken out.

161. (1) Any person authorised by the Board in this behalf, may enter, between sunrise and sunset, any building or land in a municipal area and inspect any drain, privy, latrine, urinal, cesspool, cable, wirer, pipe, sewer or channel therein or thereon, and cause the ground to be opened where such person thinks fit for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, cable, wire, pipe, sewer or channel.

Power to inspect drains, privies and cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work (if any), opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the Board.

(3) No building other than a latrine, urinal or privy shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the Board or by the person authorised by the Board to make the entry.

162. Any person authorised by the Board in this behalf, may, after giving three hours' notice to the occupier or, if there be no occupier, to the owner of any building in a municipal area, enter and inspect it at any time between sunrise and sunset where such inspection appears necessary for sanitary reasons:

Power to inspect buildings for sanitary purposes.

Provided that, if the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be required before inspection.

163. Any person authorised by the Board in this behalf, may, after giving twenty-four hours' notice to the occupier or, if there be no occupier, to the owner of any building or land in a municipal area, at any time between sunrise and sunset—

General powers of entry on buildings or land.

(a) enter and survey, or take levels or measurements of the building or land;

(b) enter the building or land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which the Board is by this Regulation empowered to execute or to maintain; or

(c) enter the building or land for the purpose of inspecting or repairing water or other installations or for taking readings of meters connected therewith.

Power to inspect places for illicit slaughter of animals.

164. If there are reasonable grounds for believing that any animal has been, is being, or is about to be slaughtered for sale in a municipal area in any place or premises not appointed for such purpose under section 110, or in contravention of any bye-law, the Board, by any person authorised by it in this behalf, may, at all reasonable times, enter into and inspect any such place or premises.

Power of entry for purposes of preventing spread of disease

165. Any person authorised by the Board in this behalf, may, at any time between sunrise and sunset, enter any building or premises, situated in a municipal area, in which any infectious or contagious disease is reputed or suspected to exist, for the purposes of inspecting such building or premises.

General provisions.

166. (1) A Board may authorise persons to exercise the powers of entry conferred by the foregoing sections of this Chapter either generally in regard to all buildings and lands, or particularly in regard to specified buildings or lands or classes of buildings or lands.

(2) When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers, and before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

B. Notices and consequences of non-compliance

Reasonable time for compliance with notices, etc., to be fixed.

167. When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

Authentication, service and validity of notices.

168. (1) Every notice issued by a Board under this Regulation, shall be in writing, signed by the Chairman, a Vice-Chairman, the Secretary, or by any other person specially authorised by the Board in that behalf, and may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(2) When the place of abode or business of the persons to whom the notice is addressed is not within the limits of the municipal area, the notice may be served by posting it addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the municipal area, every such notice addressed to him as such owner, may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier, may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the Board under this Regulation shall be invalid for defect of form.

169. Whenever it is provided by or under this Regulation that any notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to that one of them who is primarily liable to comply with such notice, and in case of doubt to both of them:

Service of notice, etc., when owner, and occupier are different persons.

Provided that in any such case, where there is no owner resident within the municipal area, the delivery of such notice to the occupier shall be sufficient.

170. When any notice is, by or under this Regulation, required to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

Mode of giving notice to owner or occupier of property.

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property, or

(b) by posting a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

171. Every public notice given by a Board under this Regulation, shall be published by proclamation or in such other manner as the Chief Commissioner may direct.

Publication of public notices.

172. Whoever disobeys any lawful direction given, or prohibition imposed, by a Board by public notice under this Regulation or any written notice lawfully issued by it thereunder, or fails to comply with the conditions subject to which any permission was given by the Board to him thereunder, shall, if the disobedience or failure is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees and, in the case of a continuing disobedience or failure, with a further fine which may extend to five rupees for every subsequent day during which the disobedience or failure continues:

Penalty for disobedience of orders of Board.

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified by or under this Regulation, no penalty shall be incurred by reason of such disobedience or failure if, in the opinion of the Court trying the case, the time so fixed was not a reasonable time.

Power in event of non-compliance with notices, etc. Penalty for obstructing Board.

173. Whenever the terms of any notice issued under this Regulation have not been complied with, the Board may, after six hours' further notice, cause the act to be done by its officers.

174. Any person wilfully obstructing a Board or any officer or servant of a Board, or any person authorised by a Board, in the exercise of any power conferred by or under this Regulation, shall be punishable with fine which may extend to fifty rupees.

Recovery of costs of execution.

175. (1) Where, under this Regulation, the owner or occupier of any property is required by a Board to execute any work and default has been made in complying with the requirement, and the Board has executed the work, the Board may recover the cost of the work from the person in default.

(2) Where any money recoverable by the Board under this section is payable by the owner of the property, it shall be a charge thereon and shall be recoverable as if it were a tax levied by the Board on the property.

C. Payment of compensation by Board

Payment of compensation by Board.

176. (1) A Board may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it or its officers or servants under this Regulation, and shall make such compensation where the damage was caused by its negligence or the negligence of its officers or servants and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises regarding the amount of any compensation which the Board is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894 with reference to the acquisition of, and payment of compensation for, land for public purposes so far as the provisions of that Act can be made applicable. 1 of 1891.

D. Appeals from orders, etc., of Board

Appeals from orders of Board.

177. (1) Any person aggrieved—

(a) by the refusal of a Board under section 156 to sanction the erection or re-erection of a building, or

(b) by a notice from a Board under section 158 requiring the alteration or demolition of a building,

may appeal within thirty days from the date of such notice or refusal, to such officer as the Chief Commissioner may appoint in this behalf, or failing such appointment to the Deputy Commissioner, but no such notice or refusal shall be liable to be called in question otherwise than by such appeal.

(2) The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the notice or refusal appealed from, shall be final:

Provided that the notice or refusal shall not be modified or set aside until the appellant and the Board have had a reasonable opportunity of being heard.

178. When any order of a kind referred to in section 172 or section 175 is subject to appeal and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any contravention thereof or non-compliance therewith shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Prosecution to be suspended in certain cases.

E. Offences and prosecutions

179. (1) Every police officer shall give immediate information to the Board of any offence made punishable by or under this Regulation, and shall be bound to assist all members, officers and servants of the Board in the exercise of their lawful authority.

Powers and duties of police in respect of offences against Regulation.

(2) Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view any offence made punishable by or under this Regulation, if—

(a) the name and address of such person are unknown to such officer, and

(b) such person declines to give his name and address, or there is reason to doubt the accuracy of the name and address, if given.

(3) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained for a longer period than may be necessary for bringing him before a Magistrate and that such period shall not exceed twenty-four hours except under the order of a Magistrate for his detention.

180. Unless otherwise expressly provided, no Court shall take cognizance of any offence made punishable by or under this Regulation except on the complaint of, or upon information received from, the Board or some person authorised by the Board in this behalf.

Authority for prosecutions.

181. (1) A Board or any of its officers authorised in this behalf, may accept from any person against whom a reasonable suspicion exists that he has committed an offence made punishable by or under this Regulation a sum of money by way of composition for such offence.

Power to compound offences.

(2) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

Members not
to be disquali-
fied from
trying.

182. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence made punishable by or under this Regulation or any other law, within the meaning of section 556 of the Code of Criminal Procedure, 1898, by reason only that he is a member of the Board by the order, or under the authority, of which such prosecution has been instituted.

5 of 1898.

Power of
Magistrate
to order
payment of
costs and
damages.

183. Where any person is convicted of any offence made punishable by or under this Regulation, the Magistrate may direct that such costs of the prosecution and such compensation for any damage which may have been caused to any municipal property in the commission of such offence shall be paid by such person, and any sum so ordered to be paid shall be recoverable as if it were a fine and be credited to the municipal fund.

F. Suits

Suits against
Board or its
officers.

184. No suit shall be instituted against a Board or against any member, officer or servant of a Board in respect of any act purporting to be done in its or his official capacity until the expiration of one month next after notice in writing has been, in the case of a Board delivered or left at its office, and in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

G. Recovery of municipal claims

Recovery of
taxes and
other claims.

185. (1) Any tax, rate, cess or fee (other than a school-fee) and any costs, damages or compensation or other moneys payable to, or claimable or recoverable by a Board under this Regulation or any rule or bye-law may, after a demand has been made therefor in the manner prescribed by rules made by the Chief Commissioner, be recovered, on application to the Collector of the district, as arrears of land-revenue, that is to say by the distress and sale of any movable property, or by attachment and sale of immovable property, belonging to such person:

Provided that nothing in this section shall prevent the Board, in its discretion, from suing for the amount payable in any competent Civil Court.

(2) If any property, movable or immovable is sold under the provisions of this Regulation and there is, after payment of the amount due to the Board, any surplus from the sale proceeds, such surplus shall, if the owner of the property sold claims it within six months from the date of the sale, be paid to him by the Board, but if no such claim is preferred within such time, the said surplus shall be credited to the municipal fund, and no suit shall lie for the recovery thereof.

(3) No distress, attachment or sale made or held under this Regulation, shall be deemed unlawful, nor shall any person making

or holding the same be deemed to be a trespasser, on account of any error, defect, or want of form in any bill, notice, schedule, form, notice of demand, warrant of distress or attachment, inventory or other proceeding relating thereto if the provisions of this Regulation have been in substance and effect complied with:

Provided that any person aggrieved by any irregularity may recover satisfaction for any damage sustained by him arising therefrom.

CHAPTER XII

CONTROL

A. Control by Deputy Commissioner

186. (1) The Deputy Commissioner may—

Control by
Deputy
Commission-
er.

(a) enter, inspect and survey, or cause to be entered, inspected and surveyed, any immovable property occupied by any Board, sub-committee or joint committee, or any work in progress under its directions;

(b) by order in writing, call for and inspect any book or document in the possession or under the control of any Board, sub-committee or joint committee;—

(c) by order in writing, require any Board, sub-committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties thereof as he may think fit to call for; and

(d) record in writing for the consideration of any Board, sub-committee or joint committee, any observations he may think proper to make in regard to the proceeding or duties thereof.

(2) Every Board shall submit such periodical reports to the Deputy Commissioner or such authority as the Chief Commissioner may direct.

187. The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a Board, sub-committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of or under the cover of this Regulation, or in pursuance of any sanction or permission granted by the Board in the exercise of its power under this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Power to
suspend
action of
Board.

188. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing the work or of doing the act shall forthwith be paid by the Board.

Extraordi-
nary power
of Deputy
Commission-
er in cases
of emer-
gency.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expenses, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

Power to provide performance of duties in default of Board.

189. (1) When the Deputy Commissioner, after due inquiry, is satisfied that a Board has made default in performing any duty imposed upon it by or under this Regulation, he may, by an order in writing, fix a period for the performance of that duty, and if it is not performed within the period so fixed, he may appoint some person to perform it and may direct that the expense thereof shall be paid, within such time as he may fix, by the Board.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

Action of Deputy Commissioner to be immediately reported.

190. When the Deputy Commissioner makes any order under section 187 or section 189, he shall forthwith forward to the Chief Commissioner a copy thereof, with a statement of the reasons for making it, and such explanation (if any) as the Board may wish to offer, and the Chief Commissioner shall confirm, modify or rescind the order.

B. Control by Chief Commissioner

Power of Chief Commissioner over Board.

191. (1) The Chief Commissioner and the Deputy Commissioner acting under the orders of the Chief Commissioner, shall be bound to require that the proceedings of Boards shall be in conformity with the law for the time being in force.

(2) The Chief Commissioner may exercise all powers necessary for the performance of this duty and may, among other things, by order in writing annul or modify any proceeding of a Board which he may consider not to be in conformity with law.

(3) The Deputy Commissioner may, for the same purpose, exercise such powers as may be conferred upon him by the Chief Commissioner.

Power of Chief Commissioner to supersede or dissolve Board.

192. (1) If a Board is, in the opinion of the Chief Commissioner, incompetent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Regulation or any other enactment, or exceeds or abuses its powers, the Chief Commissioner may, after giving an opportunity to the Board to show cause why action under this section should not be taken, by a notification setting forth his reasons for taking such action, either—

(a) (if the Board is wholly or partly elected) dissolve it as from such date as may be specified in the notification, or

(b) supersede it as from such date, and for such period, as may be specified therein

(2) Where a Board is dissolved, the members including the Chairman shall vacate their seats on the date fixed for dissolution in the same manner as if their terms of office had expired in the ordinary way on that date, and the Board shall be reconstituted in the manner provided in this Regulation.

(3) Where a Board is superseded,—

(a) all members, including the Chairman, shall, from such date as may be specified in that behalf in the notification, vacate their seats;

(b) all powers and duties of the Board shall, until the Board is reconstituted, be exercised and performed, subject to the conditions, restrictions and limitations imposed on the Board, by or under this Regulation, by such person or authority as the Chief Commissioner may appoint in that behalf;

(c) all property and rights vested in the Board shall, until the Board is reconstituted, vest in Government; and

(d) the person or authority appointed under clause (b) and all persons acting under his authority shall be entitled to the same protection, and persons suffering damage from the exercise of the powers of the Board by the person or authority so appointed shall be entitled to the same relief, as if action had been taken by the Board:

Provided that the Chief Commissioner may reconstitute the Board before the expiry of the specified period of supersession.

193. If any dispute, for the decision of which this Regulation does not otherwise provide, arises between two or more Boards or between any Board and any other authority, the matter shall be referred to the Chief Commissioner whose decision shall be final.

Disputes
between
Boards, etc.

CHAPTER XIII

BYE-LAW AND RULES

A. Bye-laws

194. A Board may, by bye-laws,—

General
bye-laws.

(a) render licences necessary for the proprietors or drivers of vehicles or animals kept or plying for hire within the limits of the municipal area, and fix the fees payable for such licences and the conditions on which they shall be granted and may be revoked, and may by such conditions provide among other things for a minimum breadth for wheel tyres and for a minimum diameter of the wheels;

(b) limit the rates which may be demanded for the hire of any carriage, cart or other conveyance, or of animals hired to carry loads or persons, or for the services of persons hired to carry loads or to impel or carry such conveyances and prescribe the loads to be carried by such conveyances, animals or persons when hired within the municipal area for a period not exceeding twenty-four hours;

(c) provide for the proper registration of births, marriages and deaths, and for the taking of a census;

(d) fix, and from time to time vary, the number of persons who may occupy a building, or part of a building, which is let in lodging or occupied by members of more than one family or which is situated within such congested areas as may be specified in the bye-laws; and provide—

(i) for the registration and inspection of such buildings,

(ii) for promoting cleanliness and ventilation in such buildings,

(iii) for the notices to be given and the precautions to be taken in the case of any infectious or contagious disease breaking out in such buildings,

(iv) in the case of hotels, *serais*, lodging-houses and residential clubs, for the maintenance of registers in such form as the Board may prescribe, of visitors and lodgers, and

(v) generally for the proper regulation of such buildings;

(e) provide—

(i) for the inspection and proper regulation of encamping-grounds, pounds, *serais*, hotels, restaurants, lodging-houses, tea-stalls, confectioneries, bakeries, aerated-water factories, ice-factories, dhobies' ghats, flour-mills and slaughter-houses;

(ii) for the inspection and proper regulation of municipal markets, for the preparation and exhibition of a list of current prices, and for fixing the fees, rents, and other charges to be levied in such markets;

(iii) for the holding of fairs and industrial exhibitions within the municipal area or under the control of the Board and for the collection of fees under section 130;

(iv) for controlling and regulating the use and management of burial and burning-grounds; and

(v) for the supervision, regulation and protection from pollution of public wells, tanks, springs or other sources from which water is or may be made available for the use of the public, whether within or without the municipal area;

(f) require and regulate the appointment by owners of buildings or land in the municipal area who are not resident in the municipal area of persons residing within or near the municipal area to act as their agents for all or any of the purposes of this Regulation;

(g) where the collection of a terminal tax has been sanctioned, fix terminal tax limits for the purpose of collecting the same, and prescribe routes by which goods, animals or dogs which are subject to such terminal tax may be brought into the municipal area.

(h) render licences necessary for using premises as stables, cow-houses, or houses or enclosures for sheep or goats; and otherwise regulate keeping of animals within the municipal area;

(i) in any municipal area where a reasonable number of slaughter-houses has been provided or licensed by the Board, control, regulate or prohibit the admission within the municipal area for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Regulation, and provide for the seizure, destruction or disposal otherwise of any flesh brought within municipal limits in contravention of any such bye-law;

(j) prohibit the letting off of fire-arms, fire-works, fire-balloons or detonators except—

(i) with the permission of the Board or of an officer of the Board empowered to give such permission;

(ii) subject to such conditions as the Board may impose, and

(iii) on payment of such fees (if any) as may at any time have been fixed by the Board in that behalf;

(k) regulate the making and use of connections or communications between private houses and premises and mains or service cables, wires, pipes, drains, sewers and other channels established or maintained by the Board under any of the provisions of this Regulation;

(l) regulate the posting of bills and advertisements, and the position, size, shape and style of name-boards, sign-boards and sign-posts;

(m) provide for and regulate the construction and maintenance of boundary walls, hedges and fences hereafter erected or re-erected so as to abut on a public street or upon property vested in the Board;

(n) regulate or prohibit any description of traffic in the streets;

(o) prohibit the storage or more than a fixed maximum quantity of any explosive, petroleum, spirit, naptha or other inflammable material in any building not licensed under section 127;

(p) provide for the seizure and confiscation of ownerless animals straying within the municipal area;

(q) provide for the registration of all or any specified classes of dogs, and in particular and without prejudice to the generality of the foregoing,—

(i) provide for the imposition of an annual fee for such registration;

(ii) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the Board; and

(iii) provide that any dog, not registered and not wearing such token, may, if found in any public place, be detained at a place to be set apart for the purpose and shall be liable to be destroyed or otherwise disposed of after such period as may be specified in the bye-law;

(r) generally provide for any matter which may be authorised by the Chief Commissioner.

Provisions
relating to
bye-laws.

195. (1) Any power to make bye-laws conferred by this Regulation is conferred subject to the bye-laws being made after previous publication.

(2) In making any bye-law, the Board may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every subsequent day during which the breach continues:

Provided that in lieu of, or in addition to inflicting such fine, the Magistrate may require the offender to remedy the mischief so far as is within his power.

(3) No bye-law shall come into force until it has been confirmed by the Chief Commissioner and published in such manner as the Chief Commissioner may prescribe in this behalf.

(4) The Chief Commissioner may cancel his confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

(5) A copy of all bye-laws shall be kept at the office of the Board and shall be open during office hours without charge to the inspection of any inhabitant of the municipal area.

(6) Copies of all such bye-laws shall be kept at the said office for sale to the public at a price not exceeding five rupees.

B. Forms and rules

Forms and
rules.

196. (1) The Chief Commissioner may prescribe forms for any proceeding of Boards for which he considers that a form should be provided and may, subject to the condition of previous publication, by notification, make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications requisite in the case of persons appointed by a Board to offices requiring professional skill;

(b) the authority on which money may be paid from the municipal fund, and the management and regulation of Provident Funds (if any) established under section 24;

(c) the custody and use of implements, appliances and other materials kept by Board under section 95;

(d) the procedure to be observed for the appointment, punishment or dismissal of officers and servants of Board and as to appeals from orders of appointments, punishments or dismissal;

(e) the conditions on which property may be acquired by a Board or on which property vested in a Board may be transferred by sale, mortgage, lease, exchange or otherwise;

(f) the intermediate office or offices (if any) through which correspondence between Boards or members and the Chief Commissioner or Deputy Commissioner shall pass;

(g) the preparation of plans and estimates for works to be partly or wholly constructed at the expense of Boards and the persons by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;

(h) the assessment and collection, and the composition, refund or the limiting of refunds, of taxes imposed under this Regulation, and the prevention of evasion of the same; and the fees payable for notices of demand;

(i) the conditions on which a Board may receive goods into a bonded-warehouse and the agreements to be signed by traders or others wishing to deposit goods therein;

(j) the accounts to be kept by Boards, the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Regulation, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowance and surcharge;

(k) the returns, statements and reports to be submitted by Boards;

(l) the powers to be exercised by the Deputy Commissioner under section 191;

(m) the language in which business of Boards shall be transacted, proceedings recorded and notices issued;

(n) the publication of public notices;

(o) the regulation of the proceedings of Boards and persons empowered to accept composition under section 181 for alleged offences;

(p) the maintenance, control and regulation of water works and supply of water;

(q) generally the guidance of Boards and public officers in carrying out the purposes of this Regulation; and

(r) any other matter which has to be or may be provided.

(3) In making such rules, the Chief Commissioner may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

(4) A rule may be general for all municipal areas, or for all municipal areas not expressly excepted from its operation, or may be special for the whole or any part of any one or more municipal areas, as the Chief Commissioner may direct.

CHAPTER XIV

SUPPLEMENTARY

Vacancies and irregularities not to invalidate proceedings.

197. No act done or proceeding taken under this Regulation shall be questioned on the ground merely of the existence of any vacancy in any Board, sub-committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Proof of municipal records.

198. (1) A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Board shall, if duly certified by the keeper thereof or other person authorised by bye-laws in this behalf, be received as evidence of the existence of the entry or document and of the matters or transactions therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters or transactions.

(2) No officer or servant of a Board shall in any legal proceedings to which the Board is not a party be required to produce any register or document the contents of which can be proved under sub-section (1) by a certified copy or to appear as a witness to prove the matters or transactions recorded therein, unless by order of the Court made for special cause.

Powers to remove difficulty.

199. If any difficulty arises in giving effect to the provisions of this Regulation and, in particular in relation to the constitution of a Board in any municipal area, the Chief Commissioner may, by order, make such provision as may appear to him to be necessary or expedient for removing the difficulty.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.